

Effective 1/24/2018

Title 53F. Public Education System -- Funding

**Chapter 1
Title Provisions**

**Part 1
General Provisions**

53F-1-101 Title.

- (1) This title is known as "Public Education System -- Funding."
- (2) This chapter is known as "Title Provisions."

Enacted by Chapter 2, 2018 General Session

53F-1-102 Public education code definitions.

The terms defined in Section 53E-1-102 apply to this title.

Enacted by Chapter 2, 2018 General Session

53F-1-103 Title 53F definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

**Chapter 2
State Funding -- Minimum School Program**

**Part 1
General Provisions**

53F-2-101 Title.

This chapter is known as "State Funding -- Minimum School Program."

Enacted by Chapter 2, 2018 General Session

53F-2-102 Definitions.

As used in this chapter:

- (1) "Basic state-supported school program," "basic program," or "basic school program" means public education programs for kindergarten, elementary, and secondary school students that are operated and maintained for the amount derived by multiplying the number of weighted pupil units for each school district or charter school by the value established each year in the enacted public education budget, except as otherwise provided in this chapter.
- (2) "Charter school governing board" means the governing board, as defined in Section 53G-5-102, that governs a charter school.

- (3) "Local education board" means a local school board or charter school governing board.
- (4) "Local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (5) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.
- (6)
 - (a) "State-supported minimum school program" or "Minimum School Program" means public school programs for kindergarten, elementary, and secondary schools as described in this Subsection (6).
 - (b) The Minimum School Program established in school districts and charter schools shall include the equivalent of a school term of nine months as determined by the State Board of Education.
 - (c)
 - (i) The board shall establish the number of days or equivalent instructional hours that school is held for an academic school year.
 - (ii) Education, enhanced by utilization of technologically enriched delivery systems, when approved by a local education board, shall receive full support by the State Board of Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing commercial advertising.
 - (d)
 - (i) A local education board may reallocate up to 32 instructional hours or four school days established under Subsection (6)(c) for teacher preparation time or teacher professional development.
 - (ii) A reallocation of instructional hours or school days under Subsection (6)(d)(i) is subject to the approval of two-thirds of the members of a local education board voting in a regularly scheduled meeting:
 - (A) at which a quorum of the local education board is present; and
 - (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.
 - (iii) If a local education board reallocates instructional hours or school days as provided by this Subsection (6)(d), the school district or charter school shall notify students' parents and guardians of the school calendar at least 90 days before the beginning of the school year.
 - (iv) Instructional hours or school days reallocated for teacher preparation time or teacher professional development pursuant to this Subsection (6)(d) is considered part of a school term referred to in Subsection (6)(b).
 - (e) The Minimum School Program includes a program or allocation funded by a line item appropriation or other appropriation designated as follows:
 - (i) Basic School Program;
 - (ii) Related to Basic Programs;
 - (iii) Voted and Board Levy Programs; or
 - (iv) Minimum School Program.
- (7) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of factors that is computed in accordance with this chapter for the purpose of determining the costs of a program on a uniform basis for each school district or charter school.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-2-103 Purpose of chapter.

- (1) The purpose of this chapter is to provide a minimum school program for the state in accordance with the constitutional mandate. It recognizes that all children of the state are entitled to reasonably equal educational opportunities regardless of their place of residence in the state and of the economic situation of their respective school districts or other agencies.
- (2) It further recognizes that although the establishment of an educational system is primarily a state function, school districts should be required to participate on a partnership basis in the payment of a reasonable portion of the cost of a minimum program.
- (3) It is also the purpose of this chapter to describe the manner in which the state and the school districts shall pay their respective share of the costs of a minimum program. This chapter also recognizes that each locality should be empowered to provide educational facilities and opportunities beyond the minimum program and accordingly provide a method whereby that latitude of action is permitted and encouraged.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 2

General Administration of the Minimum School Program

53F-2-201 Cost of operation and maintenance of Minimum School Program -- Division between state and school districts.

- (1) The total cost of operation and maintenance of the Minimum School Program in the state is divided between the state and school districts as follows:
 - (a) Each school district shall impose a minimum basic tax rate on all taxable, tangible property in the school district and shall contribute the tax proceeds toward the cost of the basic program as provided in this chapter.
 - (b) Each school district may also impose a levy under Section 53F-8-301 or 53F-8-302 for the purpose of participating in the respective local levy state guarantee programs described in Section 53F-2-601.
 - (c) The state shall contribute the balance of the total costs.
- (2) The contributions by the school districts and by the state are computed separately for the purpose of determining their respective contributions to:
 - (a) the basic program; and
 - (b) the local levy state guarantee programs described in Section 53F-2-601.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-2-202 Contribution of state to cost of minimum school program -- Determination of amounts -- Levy on taxable property -- Disbursal -- Deficiency.

The state's contribution to the total cost of the minimum school program is determined and distributed as follows:

- (1) The State Tax Commission shall levy an amount determined by the Legislature on all taxable property of the state.
 - (a) This amount, together with other funds provided by law, is the state's contribution to the minimum school program.
 - (b) The statewide levy is set at zero until changed by the Legislature.

- (2) During the first week in November, the State Tax Commission shall certify to the State Board of Education the amounts designated as state aid for each school district under Section 59-2-902.
- (3)
- (a) The actual amounts computed under Section 59-2-902 are the state's contribution to the minimum school program of each school district.
 - (b) The State Board of Education shall provide each local education board with a statement of the amount of state aid.
- (4) Before the first day of each month, the state treasurer and the Division of Finance, with the approval of the State Board of Education, shall disburse 1/12 of the state's contribution to the cost of the minimum school program to each school district and each charter school.
- (a) The State Board of Education may not make a disbursement to a school district or charter school whose payments have been interrupted under Subsection (4)(d).
 - (b) Discrepancies between the monthly disbursements and the actual cost of the program shall be adjusted in the final settlement under Subsection (5).
 - (c) If the monthly distributions overdraw the money in the Uniform School Fund, the Division of Finance is authorized to run this fund in a deficit position.
 - (d) The State Board of Education may interrupt disbursements to a school district or charter school if, in the judgment of the State Board of Education, the school district or charter school is failing to comply with the minimum school program, is operating programs that are not approved by the State Board of Education, or has not submitted reports required by law or the State Board of Education.
 - (i) Disbursements shall be resumed upon request of the State Board of Education.
 - (ii) Back disbursements shall be included in the next regular disbursement, and the amount disbursed certified to the State Division of Finance and state treasurer by the State Board of Education.
 - (e) The State Board of Education may authorize exceptions to the 1/12 per month disbursement formula for grant funds if the State Board of Education determines that a different disbursement formula would better serve the purposes of the grant.
- (5)
- (a) If money in the Uniform School Fund is insufficient to meet the state's contribution to the minimum school program as appropriated, the amount of the deficiency thus created shall be carried as a deficiency in the Uniform School Fund until the next session of the Legislature, at which time the Legislature shall appropriate funds to cover the deficiency.
 - (b) If there is an operating deficit in public education Uniform School Fund appropriations, the Legislature shall eliminate the deficit by:
 - (i) budget transfers or other legal means;
 - (ii) appropriating money from the Education Budget Reserve Account;
 - (iii) appropriating up to 25% of the balance in the General Fund Budget Reserve Account; or
 - (iv) some combination of Subsections (5)(b)(i), (ii), and (iii).
 - (c) Nothing in Subsection (5)(b) precludes the Legislature from appropriating more than 25% of the balance in the General Fund Budget Reserve Account to fund operating deficits in public education appropriations.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-203 Reduction of local education board allocation based on insufficient revenues.

- (1) As used in this section, "Minimum School Program funds" means the total of state and local funds appropriated for the Minimum School Program, excluding:

- (a) an appropriation for a state guaranteed local levy increment as described in Section 53F-2-601; and
 - (b) the appropriation to charter schools to replace local property tax revenues pursuant to Section 53F-2-704.
- (2) If the Legislature reduces appropriations made to support public schools under this chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the State Board of Education, after consultation with each local education board, shall allocate the reduction among school districts and charter schools in proportion to each school district's or charter school's percentage share of Minimum School Program funds.
- (3) Except as provided in Subsection (5) and subject to the requirements of Subsection (7), a local education board shall determine which programs are affected by a reduction pursuant to Subsection (2) and the amount each program is reduced.
- (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified amount in any particular program is waived if reductions are made pursuant to Subsection (2).
- (5) A local education board may not reduce or reallocate spending of funds distributed to the school district or charter school for the following programs:
- (a) educator salary adjustments provided in Section 53F-2-405;
 - (b) the Teacher Salary Supplement Program provided in Section 53F-2-504;
 - (c) the extended year for special educators provided in Section 53F-2-310;
 - (d) USTAR centers provided in Section 53F-2-505;
 - (e) the School LAND Trust Program described in Sections 53F-2-404 and 53F-7-1206; or
 - (f) a special education program within the basic school program.
- (6) A local education board may not reallocate spending of funds distributed to the school district or charter school to a reserve account.
- (7) A local education board that reduces or reallocates funds in accordance with this section shall report all transfers into, or out of, Minimum School Program programs to the State Board of Education as part of the school district or charter school's Annual Financial and Program report.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 448, 2018 General Session

Amended by Chapter 456, 2018 General Session

53F-2-204 Use of funds for approved programs -- Assessment of funded programs.

- (1) Funds appropriated under this chapter shall only be used for programs approved by the State Board of Education.
- (2) The State Board of Education shall assess the progress and degree of effectiveness of all programs funded under this chapter.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-205 Powers and duties of State Board of Education to adjust Minimum School Program allocations -- Use of remaining funds at the end of a fiscal year.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C. Sec. 6301 et seq.
 - (c) "Program" means a program or allocation funded by a line item appropriation or other appropriation designated as:

- (i) Basic Program;
 - (ii) Related to Basic Programs;
 - (iii) Voted and Board Levy Programs; or
 - (iv) Minimum School Program.
- (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units in a program is underestimated, the board shall reduce the value of the weighted pupil unit in that program so that the total amount paid for the program does not exceed the amount appropriated for the program.
- (3) If the number of weighted pupil units in a program is overestimated, the board shall spend excess money appropriated for the following purposes giving priority to the purpose described in Subsection (3)(a):
- (a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated;
 - (b) to support the state guaranteed local levy increments as defined in Section 53F-2-601, if:
 - (i) local contributions to the voted local levy program or board local levy program are overestimated; or
 - (ii) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated;
 - (c) to support the state supplement to local property taxes allocated to charter schools, if the state supplement is less than the amount prescribed by Section 53F-2-704; or
 - (d) to support a school district with a loss in student enrollment as provided in Section 53F-2-207.
- (4) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 or 53F-2-301.5, as applicable, are overestimated, the board shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated.
- (5) If local contributions from the minimum basic tax rate imposed under Section 53F-2-301 or 53F-2-301.5, as applicable, are underestimated, the board shall:
- (a) spend the excess local contributions for the purposes specified in Subsection (3), giving priority to supporting the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated; and
 - (b) reduce the state contribution to the basic state-supported school program so the total cost of the basic state-supported school program does not exceed the total state and local funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic state-supported school program in which the number of weighted pupil units is underestimated.
- (6) Except as provided in Subsection (3) or (5), the board shall reduce the state guarantee per weighted pupil unit provided under the local levy state guarantee program described in Section 53F-2-601, if:
- (a) local contributions to the voted local levy program or board local levy program are overestimated; or
 - (b) the number of weighted pupil units within school districts qualifying for a guarantee is underestimated.
- (7) Money appropriated to the board is nonlapsing.
- (8) The board shall report actions taken by the board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 456, 2018 General Session

53F-2-206 Flexibility in the use of certain related to basic program funds.

- (1) As used in this section, "qualifying program" means:
 - (a) the Enhancement for At-Risk Students Program created in Section 53F-2-410;
 - (b) the Enhancement for Accelerated Students Program created in Section 53F-2-408; and
 - (c) the concurrent enrollment program established in Section 53E-10-302.
- (2) If a school district or charter school receives an allocation of state funds for a qualifying program that is less than \$10,000, the local education board of the receiving school district or charter school may:
 - (a)
 - (i) combine the funds with one or more qualifying program fund allocations each of which is less than \$10,000; and
 - (ii) use the combined funds in accordance with the program requirements for any of the qualifying programs that are combined; or
 - (b)
 - (i) transfer the funds to a qualifying program for which the school district or charter school received an allocation of funds that is greater than or equal to \$10,000; and
 - (ii) use the combined funds in accordance with the program requirements for the qualifying program to which the funds are transferred.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-207 Loss in student enrollment -- Board action.

To avoid penalizing a school district financially for an excessive loss in student enrollment due to factors beyond its control, the State Board of Education may allow a percentage increase in units otherwise allowable during any year when a school district's average daily membership drops more than 4% below the average for the highest two of the preceding three years in the school district.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 3
Basic Program (Weighted Pupil Units)

53F-2-301 Minimum basic tax rate for a fiscal year that begins after July 1, 2022.

- (1) The provisions of this section are not in effect for a fiscal year that begins on July 1, 2018, 2019, 2020, 2021, or 2022.
- (2) As used in this section:
 - (a) "Basic levy increment rate" means a tax rate that will generate an amount of revenue equal to \$75,000,000.
 - (b) "Combined basic rate" means a rate that is the sum of:
 - (i) the minimum basic tax rate; and
 - (ii) the WPU value rate.
 - (c) "Commission" means the State Tax Commission.

- (d) "Equity pupil tax rate" means the tax rate that will generate an amount of revenue equal to the amount generated by the equity pupil tax rate as defined in Section 53F-2-301.5 in the fiscal year that begins July 1, 2022.
- (e) "Minimum basic local amount" means an amount that is:
 - (i) equal to the sum of:
 - (A) the school districts' contribution to the basic school program the previous fiscal year;
 - (B) the amount generated by the basic levy increment rate;
 - (C) the amount generated by the equity pupil tax rate; and
 - (D) the eligible new growth, as defined in Section 59-2-924 and rules of the State Tax Commission multiplied by the minimum basic rate; and
 - (ii) set annually by the Legislature in Subsection (3)(a).
- (f) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (3)(a).
- (g) "Weighted pupil unit value" or "WPU value" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic school program.
- (h) "WPU value amount" means an amount:
 - (i) that is equal to the product of:
 - (A) the total cost to the basic school program to increase the WPU value over the WPU value in the immediately preceding fiscal year; and
 - (B) the percentage share of local revenue to the cost of the basic school program in the immediately preceding fiscal year; and
 - (ii) set annually by the Legislature in Subsection (4)(a).
- (i) "WPU value rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the WPU value amount described in Subsection (4)(a).
- (3)
 - (a) The minimum basic local amount for the fiscal year that begins on July 1, 2018, is \$408,073,800 in revenue statewide.
 - (b) The preliminary estimate of the minimum basic tax rate for a fiscal year that begins on July 1, 2018, is .001498.
- (4)
 - (a) The WPU value amount for the fiscal year that begins on July 1, 2018, is \$18,650,000 in revenue statewide.
 - (b) The preliminary estimate of the WPU value rate for the fiscal year that begins on July 1, 2018, is .000069.
- (5)
 - (a) On or before June 22, the commission shall certify for the year:
 - (i) the minimum basic tax rate; and
 - (ii) the WPU value rate.
 - (b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the estimate of the WPU value rate provided in Subsection (4)(b) are based on a forecast for property values for the next calendar year.
 - (c) The certified minimum basic tax rate described in Subsection (5)(a)(i) and the certified WPU value rate described in Subsection (5)(a)(ii) are based on property values as of January 1 of the current calendar year, except personal property, which is based on values from the previous calendar year.
- (6)

- (a) To qualify for receipt of the state contribution toward the basic school program and as a school district's contribution toward the cost of the basic school program for the school district, each local school board shall impose the combined basic rate.
- (b)
 - (i) The state is not subject to the notice requirements of Section 59-2-926 before imposing the tax rates described in this Subsection (6).
 - (ii)
 - (A) Except as provided in Subsection (6)(b)(ii)(B), the state is subject to the notice requirements of Section 59-2-926 if the state authorizes a tax rate that exceeds the tax rates described in this Subsection (6).
 - (B) For a calendar year that begins on January 1, 2018, the state is not subject to the notice and public hearing requirements of Section 59-2-926 if the state authorizes a combined basic rate that exceeds the tax rates authorized in this section.
- (7)
 - (a) The state shall contribute to each school district toward the cost of the basic school program in the school district an amount of money that is the difference between the cost of the school district's basic school program and the sum of revenue generated by the school district by the following:
 - (i) the combined basic rate;
 - (ii) the basic levy increment rate; and
 - (iii) the equity pupil tax rate.
 - (b)
 - (i) If the difference described in Subsection (7)(a) equals or exceeds the cost of the basic school program in a school district, no state contribution shall be made to the basic school program for the school district.
 - (ii) The proceeds of the difference described in Subsection (7)(a) that exceed the cost of the basic school program shall be paid into the Uniform School Fund as provided by law and by the close of the fiscal year in which the proceeds were calculated.
- (8) Upon appropriation by the Legislature, the Division of Finance shall deposit an amount equal to the proceeds generated statewide:
 - (a) by the basic levy increment rate into the Minimum Basic Growth Account created in Section 53F-9-302;
 - (b) by the equity pupil tax rate into the Local Levy Growth Account created in Section 53F-9-305; and
 - (c) by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.
- (9) After July 1, 2022, but before November 30, 2022, the Public Education Appropriations Subcommittee:
 - (a) shall review the WPU value rate, the impact of revenues generated by the WPU value rate on public education funding, and whether local school boards should continue to levy the WPU value rate; and
 - (b) may recommend an increase, repeal, or continuance of the WPU value rate.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 6, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-2-301.5 Minimum basic tax rate for a fiscal year that begins on July 1, 2018, 2019, 2020, 2021, or 2022.

- (1) The provisions of this section are in effect for a fiscal year that begins before July 1, 2023.
- (2) As used in this section:
 - (a) "Basic levy increment rate" means a tax rate that will generate an amount of revenue equal to \$75,000,000.
 - (b) "Combined basic rate" means a rate that is the sum of:
 - (i) the rate floor; and
 - (ii) the WPU value rate.
 - (c) "Commission" means the State Tax Commission.
 - (d) "Equity pupil tax rate" means the tax rate that is:
 - (i) calculated by subtracting the minimum basic tax rate from the rate floor; or
 - (ii) zero, if the rate calculated in accordance with Subsection (2)(d)(i) is zero or less.
 - (e) "Minimum basic local amount" means an amount that is:
 - (i) equal to the sum of:
 - (A) the school districts' contribution to the basic school program the previous fiscal year;
 - (B) the amount generated by the basic levy increment rate; and
 - (C) the eligible new growth, as defined in Section 59-2-924 and rules of the State Tax Commission multiplied by the minimum basic tax rate; and
 - (ii) set annually by the Legislature in Subsection (3)(a).
 - (f) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (3)(a).
 - (g) "Rate floor" means a rate that is the greater of:
 - (i) a .0016 tax rate; or
 - (ii) the minimum basic tax rate.
 - (h) "Weighted pupil unit value" or "WPU value" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic school program.
 - (i) "WPU value amount" means an amount that is:
 - (i) equal to the product of:
 - (A) the total cost to the basic school program to increase the WPU value over the WPU value in the prior fiscal year; and
 - (B) the percentage share of local revenue to the cost of the basic school program in the prior fiscal year; and
 - (ii) set annually by the Legislature in Subsection (4)(a).
 - (j) "WPU value rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the WPU value amount described in Subsection (4)(a).
- (3)
 - (a) The minimum basic local amount for the fiscal year that begins on July 1, 2018, is \$408,073,800 in revenue statewide.
 - (b) The preliminary estimate for the minimum basic tax rate for the fiscal year that begins on July 1, 2018, is .001498.
- (4)
 - (a) The WPU value amount for the fiscal year that begins on July 1, 2018, is \$18,650,000 in revenue statewide.
 - (b) The preliminary estimate for the WPU value rate for the fiscal year that begins on July 1, 2018, is .000069.
- (5)

- (a) On or before June 22, the commission shall certify for the year:
 - (i) the minimum basic tax rate; and
 - (ii) the WPU value rate.
 - (b) The estimate of the minimum basic tax rate provided in Subsection (3)(b) and the estimate of the WPU value rate provided in Subsection (4)(b) is based on a forecast for property values for the next calendar year.
 - (c) The certified minimum basic tax rate described in Subsection (5)(a)(i) and the certified WPU value rate described in Subsection (5)(a)(ii) are based on property values as of January 1 of the current calendar year, except personal property, which is based on values from the previous calendar year.
- (6)
- (a) To qualify for receipt of the state contribution toward the basic school program and as a school district's contribution toward the cost of the basic school program for the school district, a local school board shall impose the combined basic rate.
 - (b)
 - (i) The state is not subject to the notice requirements of Section 59-2-926 before imposing the tax rates described in this Subsection (6).
 - (ii) The state is subject to the notice requirements of Section 59-2-926 if the state authorizes a tax rate that exceeds the tax rates described in this Subsection (6).
- (7)
- (a) The state shall contribute to each school district toward the cost of the basic school program in the school district an amount of money that is the difference between the cost of the school district's basic school program and the sum of the revenue generated by the school district by the following:
 - (i) the minimum basic tax rate;
 - (ii) the basic levy increment rate;
 - (iii) the equity pupil tax rate; and
 - (iv) the WPU value rate.
 - (b)
 - (i) If the difference described in Subsection (7)(a) equals or exceeds the cost of the basic school program in a school district, no state contribution shall be made to the basic school program for the school district.
 - (ii) The proceeds of the difference described in Subsection (7)(a) that exceed the cost of the basic school program shall be paid into the Uniform School Fund as provided by law and by the close of the fiscal year in which the proceeds were calculated.
- (8) Upon appropriation by the Legislature, the Division of Finance shall deposit an amount equal to the proceeds generated statewide:
- (a) by the basic levy increment rate into the Minimum Basic Growth Account created in Section 53F-9-302;
 - (b) by the equity pupil tax rate into the Local Levy Growth Account created in Section 53F-9-305; and
 - (c) by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.

Enacted by Chapter 456, 2018 General Session

53F-2-302 Determination of weighted pupil units.

The number of weighted pupil units in the minimum school program for each year is the total of the units for each school district and, subject to Subsection (4), charter school, determined as follows:

- (1) The number of units is computed by adding the average daily membership of all pupils of the school district or charter school attending schools, other than kindergarten and self-contained classes for children with a disability.
- (2) The number of units is computed by adding the average daily membership of all pupils of the school district or charter school enrolled in kindergarten and multiplying the total by .55.
 - (a) In those school districts or charter schools that do not hold kindergarten for a full nine-month term, the local school board or charter school governing board may approve a shorter term of nine weeks' duration.
 - (b) Upon local education board approval, the number of pupils in average daily membership at the short-term kindergarten shall be counted for the purpose of determining the number of units allowed in the same ratio as the number of days the short-term kindergarten is held, not exceeding nine weeks, compared to the total number of days schools are held in that school district or charter school in the regular school year.
- (3)
 - (a) The State Board of Education shall use prior year plus growth to determine average daily membership in distributing money under the minimum school program where the distribution is based on kindergarten through grade 12 ADMs or weighted pupil units.
 - (b) Under prior year plus growth, kindergarten through grade 12 average daily membership for the current year is based on the actual kindergarten through grade 12 average daily membership for the previous year plus an estimated percentage growth factor.
 - (c) The growth factor is the percentage increase in total average daily membership on the first school day of October in the current year as compared to the total average daily membership on the first school day of October of the previous year.
- (4) In distributing funds to charter schools under this section, charter school pupils shall be weighted, where applicable, as follows:
 - (a) .55 for kindergarten pupils;
 - (b) .9 for pupils in grades 1 through 6;
 - (c) .99 for pupils in grades 7 through 8; and
 - (d) 1.2 for pupils in grades 9 through 12.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-303 Foreign exchange student weighted pupil units.

- (1) A school district or charter school may include foreign exchange students in the district's or school's membership and attendance count for the purpose of apportionment of state money, except as provided in Subsections (2) through (4).
- (2)
 - (a) Notwithstanding Section 53F-2-302, foreign exchange students may not be included in average daily membership for the purpose of determining the number of weighted pupil units in the grades 1-12 basic program.
 - (b) Subject to the limitation in Subsection (3), the number of weighted pupil units in the grades 1-12 basic program attributed to foreign exchange students shall be equal to the number of foreign exchange students who were:
 - (i) enrolled in a school district or charter school on October 1 of the previous fiscal year; and

- (ii) sponsored by an agency approved by the district's local school board or charter school's governing board.
- (3)
 - (a) The total number of foreign exchange students in the state that may be counted for the purpose of apportioning state money under Subsection (2) shall be the lesser of:
 - (i) the number of foreign exchange students enrolled in public schools in the state on October 1 of the previous fiscal year; or
 - (ii) 328 foreign exchange students.
 - (b) The State Board of Education shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of foreign exchange students that may be counted for the purpose of apportioning state money under Subsection (2).
- (4) Notwithstanding Section 53F-2-601, weighted pupil units in the grades 1-12 basic program for foreign exchange students, as determined by Subsections (2) and (3), may not be included for the purposes of determining a school district's state guarantee money under Section 53F-2-601.

Enacted by Chapter 2, 2018 General Session

53F-2-304 Necessarily existent small schools -- Computing additional weighted pupil units -- Consolidation of small schools.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Necessarily existent small schools funding balance" means the difference between:
 - (i) the amount appropriated for the necessarily existent small schools program in a fiscal year; and
 - (ii) the amount distributed to school districts for the necessarily existent small schools program in the same fiscal year.
- (2)
 - (a) Upon application by a local school board, the board shall, in consultation with the local school board, classify schools in the school district as necessarily existent small schools, in accordance with this section and board rules adopted under Subsection (3).
 - (b) An application must be submitted to the board before April 2, and the board must report a decision to a local school board before June 2.
- (3) The board shall adopt standards and make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:
 - (a) govern the approval of necessarily existent small schools consistent with principles of efficiency and economy that serve the purpose of eliminating schools where consolidation is feasible by participation in special school units; and
 - (b) ensure that school districts are not building secondary schools in close proximity to one another where economy and efficiency would be better served by one school meeting the needs of secondary students in a designated geographical area.
- (4) A one or two-year secondary school that has received necessarily existent small school money under this section prior to July 1, 2000, may continue to receive such money in subsequent years.
- (5) The board shall prepare and publish objective standards and guidelines for determining which small schools are necessarily existent after consultation with local school boards.
- (6)

- (a) Additional weighted pupil units for schools classified as necessarily existent small schools shall be computed using regression formulas adopted by the board.
 - (b) The regression formulas establish the following maximum sizes for funding under the necessarily existent small school program:
 - (i) an elementary school 160
 - (ii) a one or two-year secondary school 300
 - (iii) a three-year secondary school 450
 - (iv) a four-year secondary school 500
 - (v) a six-year secondary school 600
 - (c) Schools with fewer than 10 students shall receive the same add-on weighted pupil units as schools with 10 students.
 - (d) The board shall prepare and distribute an allocation table based on the regression formula to each school district.
- (7)
- (a) To avoid penalizing a school district financially for consolidating the school district's small schools, additional weighted pupil units may be allowed a school district each year, not to exceed two years.
 - (b) The additional weighted pupil units may not exceed the difference between what the school district receives for a consolidated school and what the school district would have received for the small schools had the small schools not been consolidated.
- (8) Subject to legislative appropriation, the board shall give first priority from an appropriation made under this section to funding an expense approved by the board as described in Subsection 53G-6-305(3)(a).
- (9)
- (a) Subject to Subsection (9)(b) and after a distribution made under Subsection (8), the board may distribute a portion of necessarily existent small schools funding in accordance with a formula adopted by the board that considers the tax effort of a local school board.
 - (b) The amount distributed in accordance with Subsection (9)(a) may not exceed the necessarily existent small schools fund in balance of the prior fiscal year.
- (10) A local school board may use the money allocated under this section for maintenance and operation of school programs or for other school purposes as approved by the board.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-305 Professional staff weighted pupil units.

- (1) Professional staff weighted pupil units are computed and distributed in accordance with the following schedule:

(a) Professional Staff Cost Formula

Years of Experience	Bachelor's Degree	Bachelor's +30 Qt. Hr.	Master's Degree	Master's Degree +45 Qt. Hr.	Doctorate
1	1.00	1.05	1.10	1.15	1.20
2	1.05	1.10	1.15	1.20	1.25
3	1.10	1.15	1.20	1.25	1.30
4	1.15	1.20	1.25	1.30	1.35

5	1.20	1.25	1.30	1.35	1.40
6	1.25	1.30	1.35	1.40	1.45
7	1.30	1.35	1.40	1.45	1.50
8	1.35	1.40	1.45	1.50	1.55
9			1.50	1.55	1.60
10				1.60	1.65
11					1.70

- (b) Multiply the number of full-time or equivalent professional personnel in each applicable experience category in Subsection (1)(a) by the applicable weighting factor.
- (c) Divide the total of Subsection (1)(b) by the number of professional personnel included in Subsection (1)(b) and reduce the quotient by 1.00.
- (d) Multiply the result of Subsection (1)(c) by 1/4 of the weighted pupil units computed in accordance with Sections 53F-2-302 and 53F-2-304.
- (2) The State Board of Education shall enact rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that require a certain percentage of a school district's or charter school's professional staff to be certified in the area in which the staff teaches in order for the school district or charter school to receive full funding under the schedule.
- (3) If an individual's teaching experience is a factor in negotiating a contract of employment to teach in the state's public schools, then the local education board is encouraged to accept as credited experience all of the years the individual has taught in the state's public schools.

Renumbered and Amended by Chapter 2, 2018 General Session

**53F-2-306 Weighted pupil units for small school district administrative costs --
Appropriation for charter school administrative costs.**

- (1) Administrative costs weighted pupil units are computed for a small school district and distributed to the small school district in accordance with the following schedule:

Administrative Costs Schedule

School District Enrollment as of October 1	Weighted Pupil Units
1 - 500 students	95
501 - 1,000 students	80
1,001 - 2,000 students	70
2,001 - 5,000 students	60

- (2)
 - (a) Except as provided in Subsection (2)(b), money appropriated to the State Board of Education for charter school administrative costs shall be distributed to charter schools in the amount of \$100 for each charter school student in enrollment.
 - (b)
 - (i) If money appropriated for charter school administrative costs is insufficient to provide the amount per student prescribed in Subsection (2)(a), the appropriation shall be allocated among charter schools in proportion to each charter school's enrollment as a percentage of the total enrollment in charter schools.

- (ii) If the State Board of Education makes adjustments to Minimum School Program allocations under Section 53F-2-205, the allocation provided in Subsection (2)(b)(i) shall be determined after adjustments are made under Section 53F-2-205.
- (c) Charter school governing boards are encouraged to identify and use cost-effective methods of performing administrative functions, including contracting for administrative services with the State Charter School Board as provided in Section 53G-5-202.
- (3) Charter schools are not eligible for funds for administrative costs under Subsection (1).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-307 Weighted pupil units for programs for students with disabilities -- Local school board allocation.

- (1) The number of weighted pupil units for students with disabilities shall reflect the direct cost of programs for those students conducted in accordance with rules established by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) Disability program money allocated to school districts or charter schools is restricted and shall be spent for the education of students with disabilities but may include expenditures for approved programs of services conducted for certified instructional personnel who have students with disabilities in their classes.
- (3) The State Board of Education shall establish and strictly interpret definitions and provide standards for determining which students have disabilities and shall assist school districts and charter schools in determining the services that should be provided to students with disabilities.
- (4) Each year the State Board of Education shall evaluate the standards and guidelines that establish the identifying criteria for disability classifications to assure strict compliance with those standards by the school districts and charter schools.
- (5)
 - (a) Money appropriated to the State Board of Education for add-on WPU for students with disabilities enrolled in regular programs shall be allocated to school districts and charter schools as provided in this Subsection (5).
 - (b) The State Board of Education shall use a school district's or charter school's average number of special education add-on weighted pupil units determined by the previous five year's average daily membership data as a foundation for the special education add-on appropriation.
 - (c) A school district's or charter school's special education add-on WPU for the current year may not be less than the foundation special education add-on WPU.
 - (d) Growth WPU shall be added to the prior year special education add-on WPU, and growth WPU shall be determined as follows:
 - (i) The special education student growth factor is calculated by comparing S-3 total special education ADM of two years previous to the current year to the S-3 total special education ADM three years previous to the current year, not to exceed the official October total school district growth factor from the prior year.
 - (ii) When calculating and applying the growth factor, a school district's S-3 total special education ADM for a given year is limited to 12.18% of the school district's S-3 total student ADM for the same year.
 - (iii) Growth ADMs are calculated by applying the growth factor to the S-3 total special education ADM of two years previous to the current year.

- (iv) Growth ADMs for each school district or each charter school are multiplied by 1.53 weighted pupil units and added to the prior year special education add-on WPU to determine each school district's or each charter school's total allocation.
- (6) If money appropriated under this chapter for programs for students with disabilities does not meet the costs of school districts and charter schools for those programs, each school district and each charter school shall first receive the amount generated for each student with a disability under the basic program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-308 Preschool special education appropriation -- Extended year program appropriation -- Appropriation for special education programs in state institutions -- Appropriations for stipends for special educators.

- (1)
 - (a) Money appropriated to the State Board of Education for the preschool special education program shall be allocated to school districts to provide a free, appropriate public education to preschool students with a disability, ages three through five.
 - (b) The money shall be distributed on the basis of the school district's count of preschool children with a disability for December 1 of the previous year, as mandated by federal law.
- (2) Money appropriated for the extended school year program for children with a severe disability shall be limited to students with severe disabilities with education program goals identifying significant regression and recoupment disability as approved by the State Board of Education.
- (3)
 - (a) Money appropriated for self-contained regular special education programs may not be used to supplement other school programs.
 - (b) Money in any of the other restricted line item appropriations may not be reduced more than 2% to be used for purposes other than those specified by the appropriation, unless otherwise provided by law.
- (4)
 - (a) The State Board of Education shall compute preschool funding by a factor of 1.47 times the current December 1 child count of eligible preschool aged three, four, and five-year-olds times the WPU value, limited to 8% growth over the prior year December 1 count.
 - (b) The State Board of Education shall develop guidelines to implement the funding formula for preschool special education, and establish prevalence limits for distribution of the money.
- (5) Of the money appropriated for Special Education - State Programming, the State Board of Education shall distribute the revenue generated from 909 WPUs to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends to special educators for additional days of work pursuant to the requirements of Section 53F-2-310.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-309 Appropriation for intensive special education costs.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.

- (2)
 - (a) On or before February 1, 2017, the board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing a distribution formula to allocate money appropriated to the board for Special Education -- Intensive Services that allocate to an LEA:
 - (i) 50% of the appropriation based on the highest cost students with disabilities; and
 - (ii) 50% of the appropriation based on the highest impact to an LEA due to high cost students with disabilities.
 - (b) Beginning with the 2017-18 school year, the board shall allocate money appropriated to the board for Special Education -- Intensive Services in accordance with rules described in Subsection (2)(a).
- (3) Before initiating the rulemaking process under Subsection (2)(a), the board shall present the proposed rule to the Public Education Appropriations Subcommittee or Education Interim Committee.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-310 Stipends for special educators for additional days of work.

- (1) As used in this section:
 - (a) "IEP" means an individualized education program developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended.
 - (b) "Special education teacher" means a teacher whose primary assignment is the instruction of students with disabilities who are eligible for special education services.
 - (c) "Special educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:
 - (i) a license issued by the State Board of Education; and
 - (ii) a position as a:
 - (A) special education teacher;
 - (B) speech-language pathologist; or
 - (C) teacher of the deaf or hard of hearing;
- (2) The Legislature shall annually appropriate money for stipends to special educators for additional days of work:
 - (a) in recognition of the added duties and responsibilities assumed by special educators to comply with federal law regulating the education of students with disabilities and the need to attract and retain qualified special educators; and
 - (b) subject to future budget constraints.
- (3)
 - (a) The State Board of Education shall distribute money appropriated under this section to school districts, charter schools, and the Utah Schools for the Deaf and the Blind for stipends for special educators in the amount of \$200 per day for up to 10 additional working days.
 - (b) Money distributed under this section shall include, in addition to the \$200 per day stipend, money for the following employer-paid benefits:
 - (i) retirement;
 - (ii) workers' compensation;
 - (iii) Social Security; and
 - (iv) Medicare.
- (4) A special educator receiving a stipend shall:

- (a) work an additional day beyond the number of days contracted with the special educator's school district or school for each daily stipend;
- (b) schedule the additional days of work before or after the school year; and
- (c) use the additional days of work to perform duties related to the IEP process, including:
 - (i) administering student assessments;
 - (ii) conducting IEP meetings;
 - (iii) writing IEPs;
 - (iv) conferring with parents; and
 - (v) maintaining records and preparing reports.
- (5) A special educator may:
 - (a) elect to receive a stipend for one to 10 days of additional work; or
 - (b) elect to not receive a stipend.
- (6) A person who does not hold a full-time position as a special educator is eligible for a partial stipend equal to the percentage of a full-time special educator position the person assumes.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 22, 2018 General Session

53F-2-311 Weighted pupil units for career and technical education programs -- Funding of approved programs -- Performance measures -- Qualifying criteria.

- (1)
 - (a) Money appropriated to the State Board of Education for approved career and technical education programs and the comprehensive guidance program:
 - (i) shall be allocated to eligible recipients as provided in Subsections (2), (3), and (4); and
 - (ii) may not be used to fund programs below grade 9.
 - (b) Subsection (1)(a)(ii) does not apply to the following programs:
 - (i) comprehensive guidance;
 - (ii) Technology-Life-Careers; and
 - (iii) work-based learning programs.
- (2)
 - (a) Weighted pupil units are computed for pupils in approved programs.
 - (b)
 - (i) The State Board of Education shall fund approved programs based upon hours of membership of grades 9 through 12 students.
 - (ii) Subsection (2)(b)(i) does not apply to the following programs:
 - (A) comprehensive guidance;
 - (B) Technology-Life-Careers; and
 - (C) work-based learning programs.
 - (c) The State Board of Education shall use an amount not to exceed 20% of the total appropriation under this section to fund approved programs based on performance measures such as placement and competency attainment defined in standards set by the State Board of Education.
 - (d) Leadership organization funds shall constitute an amount not to exceed 1% of the total appropriation under this section, and shall be distributed to each school district or each charter school sponsoring career and technical education student leadership organizations based on the agency's share of the state's total membership in those organizations.

- (e) The State Board of Education shall make the necessary calculations for distribution of the appropriation to a school district and charter school and may revise and recommend changes necessary for achieving equity and ease of administration.
- (3)
 - (a) Twenty weighted pupil units shall be computed for career and technical education administrative costs for each school district, except 25 weighted pupil units may be computed for each school district that consolidates career and technical education administrative services with one or more other school districts.
 - (b) Between 10 and 25 weighted pupil units shall be computed for each high school conducting approved career and technical education programs in a school district according to standards established by the State Board of Education.
 - (c) Forty weighted pupil units shall be computed for each school district that operates an approved career and technical education center.
 - (d) Between five and seven weighted pupil units shall be computed for each summer career and technical education agriculture program according to standards established by the State Board of Education.
 - (e) The State Board of Education shall, by rule, establish qualifying criteria for a school district or charter school to receive weighted pupil units under this Subsection (3).
- (4)
 - (a) Money remaining after the allocations made under Subsections (2) and (3) shall be allocated using average daily membership in approved programs for the previous year.
 - (b) A school district or charter school that has experienced student growth in grades 9 through 12 for the previous year shall have the growth factor applied to the previous year's weighted pupil units when calculating the allocation of money under this Subsection (4).
- (5)
 - (a) The State Board of Education shall establish rules for upgrading high school career and technical education programs.
 - (b) The rules shall reflect career and technical training and actual marketable job skills in society.
 - (c) The rules shall include procedures to assist school districts and charter schools to convert existing programs that are not preparing students for the job market into programs that will accomplish that purpose.
- (6) Programs that do not meet State Board of Education standards may not be funded under this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-312 Appropriation for class size reduction.

- (1) Money appropriated to the State Board of Education for class size reduction shall be used to reduce the average class size in kindergarten through grade 8 in the state's public schools.
- (2) A school district or charter school shall receive an allocation for class size reduction based on the school district or charter school's prior year average daily membership plus growth in kindergarten through grade 8 as determined under Subsection 53F-2-302(3) compared to the total prior year average daily membership plus growth in kindergarten through grade 8 statewide.
- (3)
 - (a) A local education board may use an allocation to reduce class size in any one or all of the grades referred to under this section, except as otherwise provided in Subsection (3)(b).
 - (b)

- (i) A local education board shall use 50% of an allocation to reduce class size in any one or all of grades kindergarten through grade 2, with an emphasis on improving student reading skills.
 - (ii) If a school district's or charter school's average class size is below 18 students in kindergarten through grade 2, a local education board may petition the State Board of Education for, and the State Board of Education may grant, a waiver of the requirement described in Subsection (3)(b)(i).
- (4) A school may use nontraditional innovative and creative methods to reduce class sizes with this appropriation and may use part of an allocation to focus on class size reduction for specific groups, such as at risk students, or for specific blocks of time during the school day.
- (5)
- (a) A local education board may use up to 20% of an allocation under this section for capital facilities projects if such projects would help to reduce class size.
 - (b) If a school district's or charter school's student population increases by at least 5% or at least 700 students from the previous school year, the local education board may use up to 50% of an allocation received by the school district or charter school under this section for classroom construction.
- (6) This appropriation is to supplement any other appropriation made for class size reduction.
- (7) The Legislature shall provide for an annual adjustment in the appropriation authorized under this section in proportion to the increase in the number of students in the state in kindergarten through grade 8.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 208, 2018 General Session

Amended by Chapter 300, 2018 General Session

Amended by Chapter 456, 2018 General Session

53F-2-313 Weighted pupil units for career and technical education set-aside programs.

- (1) Each school district and charter school shall receive a guaranteed minimum allocation from the money appropriated to the State Board of Education for a career and technical education set-aside program.
- (2) The set-aside funds remaining after the initial minimum payment allocation are distributed by a request for proposals process to help pay for equipment costs necessary to initiate new programs and for high priority programs as determined by labor market information.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 4
Related to Basic Program -- Formula Programs

53F-2-401 Appropriation for adult education programs.

- (1) Money appropriated to the State Board of Education for adult education shall be allocated to school districts for adult high school completion and adult basic skills programs.
- (2)

- (a) The State Board of Education and the Department of Corrections, subject to legislative appropriation, are responsible for providing the programs described in Subsection (1) to individuals in the custody of the Department of Corrections.
 - (b) To fulfill the responsibility described in Subsection (2)(a), the State Board of Education and the Department of Corrections shall, where feasible, contract with appropriate private or public agencies to provide educational and related administrative services.
 - (c) The State Board of Education shall allocate at least 15% of the money appropriated to the State Board of Education for adult education to support the programs for which the State Board of Education and the Department of Corrections are responsible under this Subsection (2).
- (3)
- (a) For money that is not allocated under Subsection (2)(c), each school district shall receive a pro rata share of the appropriation for adult high school completion programs based on the number of people in the school district listed in the latest official census who are over 18 years of age and who do not have a high school diploma and prior year participation or as approved by State Board of Education rule.
 - (b) On February 1 of each school year, the State Board of Education shall recapture money not used for an adult high school completion program described in Subsection (3)(a) for reallocation to school districts that have implemented programs based on need and effort as determined by the State Board of Education.
- (4) To the extent of money available, school districts shall provide program services to adults who do not have a diploma and who intend to graduate from high school, with particular emphasis on homeless individuals who are seeking literacy and life skills.
- (5) Overruns in adult education in any school district may not reduce the value of the weighted pupil unit for this program in another school district.
- (6) School districts shall spend money on adult basic skills programs according to standards established by the State Board of Education.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 396, 2018 General Session

53F-2-402 State support of pupil transportation.

- (1) Money appropriated to the State Board of Education for state-supported transportation of public school students shall be apportioned and distributed in accordance with Section 53F-2-403, except as otherwise provided in this section.
- (2)
- (a) The Utah Schools for the Deaf and the Blind shall use an allocation of pupil transportation money to pay for transportation of students based on current valid contractual arrangements and best transportation options and methods as determined by the schools.
 - (b) All student transportation costs of the schools shall be paid from the allocation of pupil transportation money specified in statute.
- (3)
- (a) A local school board may only claim eligible transportation costs as legally reported on the prior year's annual financial report submitted under Section 53G-4-404.
 - (b) The state shall contribute 85% of approved transportation costs, subject to budget constraints.

- (c) If in a fiscal year the total transportation allowance for all school districts exceeds the amount appropriated for that purpose, all allowances shall be reduced pro rata to equal not more than the amount appropriated.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 396, 2018 General Session

53F-2-403 Eligibility for state-supported transportation -- Approved bus routes.

- (1) A student eligible for state-supported transportation means:
 - (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles from school;
 - (b) a student enrolled in grades seven through 12 who lives at least two miles from school; and
 - (c) a student enrolled in a special program offered by a school district and approved by the State Board of Education for trainable, motor, multiple-disability, or other students with severe disabilities who are incapable of walking to school or where it is unsafe for students to walk because of their disabling condition, without reference to distance from school.
- (2) If a school district implements double sessions as an alternative to new building construction, with the approval of the State Board of Education, those affected elementary school students residing less than 1-1/2 miles from school may be transported one way to or from school because of safety factors relating to darkness or other hazardous conditions as determined by the local school board.
- (3)
 - (a) The State Board of Education shall distribute transportation money to school districts based on:
 - (i) an allowance per mile for approved bus routes;
 - (ii) an allowance per hour for approved bus routes; and
 - (iii) a minimum allocation for each school district eligible for transportation funding.
 - (b) The State Board of Education shall distribute appropriated transportation funds based on the prior year's eligible transportation costs as legally reported under Subsection 53F-2-402(3).
 - (c) The State Board of Education shall annually review the allowance per mile and the allowance per hour and adjust the allowances to reflect current economic conditions.
- (4)
 - (a) Approved bus routes for funding purposes shall be determined on fall data collected by October 1.
 - (b) Approved route funding shall be determined on the basis of the most efficient and economic routes.
- (5) A Transportation Advisory Committee with representation from school district superintendents, business officials, school district transportation supervisors, and State Board of Education employees shall serve as a review committee for addressing school transportation needs, including recommended approved bus routes.
- (6) A local school board may provide for the transportation of students regardless of the distance from school, from general funds of the school district.
- (7)
 - (a)
 - (i) If a local school board expends an amount of revenue equal to at least .0002 per dollar of taxable value of the school district's board local levy imposed under Section 53F-8-302 to pay for transporting students and for the replacement of school buses, the state may

contribute an amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating funds for a state contribution.

- (ii) The State Board of Education's employees shall distribute the state contribution according to rules enacted by the State Board of Education.
- (b)
 - (i) The amount of state guarantee money that a school district would otherwise be entitled to receive under Subsection (7)(a) may not be reduced for the sole reason that the school district's levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.
 - (ii) Subsection (7)(b)(i) applies for a period of two years following the change in the certified tax rate.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-404 School LAND Trust Program distribution of funds.

- (1)
 - (a) The School LAND Trust Program, established in Section 53G-7-1206, shall be funded each fiscal year:
 - (i) from the Trust Distribution Account created in Section 53F-9-201; and
 - (ii) in the amount of the sum of the following:
 - (A) on or about July 15 each year, out of the distributions from the investment of money in the permanent State School Fund deposited to the Trust Distribution Account; and
 - (B) interest accrued on the Trust Distribution Account in the immediately preceding fiscal year.
 - (b) The program shall be funded as provided in Subsection (1)(a) up to an amount equal to 3% of the funds provided for the Minimum School Program, pursuant to this chapter, each fiscal year.
 - (c) The Legislature shall annually allocate, through an appropriation to the State Board of Education, a portion of the Trust Distribution Account created in Section 53F-9-201 to be used for the administration of the School LAND Trust Program .
 - (d) Any unused balance remaining from an amount appropriated under Subsection (1)(c) shall be deposited in the Trust Distribution Account for distribution to schools in the School LAND Trust Program.
- (2)
 - (a) The State Board of Education shall allocate the money referred to in Subsection (1) annually as follows:
 - (i) the Utah Schools for the Deaf and the Blind shall receive funding equal to the product of:
 - (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (1);
 - (ii) charter schools shall receive funding equal to the product of:
 - (A) charter school enrollment on October 1 in the prior year, divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (1); and
 - (iii) of the funds available for distribution under Subsection (1) after the allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:
 - (A) school districts shall receive 10% of the funds on an equal basis; and

- (B) the remaining 90% of the funds shall be distributed to school districts on a per student basis.
- (b)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules specifying a formula to distribute the amount allocated under Subsection (2)(a)(ii) to charter schools.
 - (ii) In making rules under Subsection (2)(b)(i), the State Board of Education shall:
 - (A) consult with the State Charter School Board; and
 - (B) ensure that the rules include a provision that allows a charter school in the charter school's first year of operations to receive funding based on projected enrollment, to be adjusted in future years based on actual enrollment.
 - (c) A school district shall distribute its allocation under Subsection (2)(a)(iii) to each school within the school district on an equal per student basis.
 - (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules regarding the time and manner in which the student count shall be made for allocation of the money under Subsection (2)(a)(iii).
- (3) If the amount of money prescribed for funding the School LAND Trust Program under this section is less than or greater than the money appropriated for the School LAND Trust Program, the appropriation shall be equal to the amount of money prescribed for funding the School LAND Trust Program in this section, up to a maximum of an amount equal to 3% of the funds provided for the Minimum School Program.
- (4) The State Board of Education shall distribute the money appropriated in Subsection (3) in accordance with this section and rules established by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 448, 2018 General Session

53F-2-405 Educator salary adjustments.

- (1) As used in this section, "educator" means a person employed by a school district, charter school, or the Utah Schools for the Deaf and the Blind who holds:
 - (a) a license issued by the State Board of Education; and
 - (b) a position as a:
 - (i) classroom teacher;
 - (ii) speech pathologist;
 - (iii) librarian or media specialist;
 - (iv) preschool teacher;
 - (v) mentor teacher;
 - (vi) teacher specialist or teacher leader;
 - (vii) guidance counselor;
 - (viii) audiologist;
 - (ix) psychologist; or
 - (x) social worker.
- (2) In recognition of the need to attract and retain highly skilled and dedicated educators, the Legislature shall annually appropriate money for educator salary adjustments, subject to future budget constraints.
- (3) Money appropriated to the State Board of Education for educator salary adjustments shall be distributed to school districts, charter schools, and the Utah Schools for the Deaf and the

Blind in proportion to the number of full-time-equivalent educator positions in a school district, a charter school, or the Utah Schools for the Deaf and the Blind as compared to the total number of full-time-equivalent educator positions in school districts, charter schools, and the Utah Schools for the Deaf and the Blind.

- (4) A school district, a charter school, or the Utah Schools for the Deaf and the Blind shall award bonuses to educators as follows:
 - (a) the amount of the salary adjustment shall be the same for each full-time-equivalent educator position in the school district, charter school, or the Utah Schools for the Deaf and the Blind;
 - (b) an individual who is not a full-time educator shall receive a partial salary adjustment based on the number of hours the individual works as an educator; and
 - (c) a salary adjustment may be awarded only to an educator who has received a satisfactory rating or above on the educator's most recent evaluation.
- (5) The State Board of Education may make rules as necessary to administer this section, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (6)
 - (a) Subject to future budget constraints, the Legislature shall appropriate sufficient money each year to:
 - (i) maintain educator salary adjustments provided in prior years; and
 - (ii) provide educator salary adjustments to new employees.
 - (b) Money appropriated for educator salary adjustments shall include money for the following employer-paid benefits:
 - (i) retirement;
 - (ii) worker's compensation;
 - (iii) social security; and
 - (iv) Medicare.
- (7)
 - (a) Subject to future budget constraints, the Legislature shall:
 - (i) maintain the salary adjustments provided to school administrators in the 2007-08 school year; and
 - (ii) provide salary adjustments for new school administrators in the same amount as provided for existing school administrators.
 - (b) The appropriation provided for educator salary adjustments shall include salary adjustments for school administrators as specified in Subsection (7)(a).
 - (c) In distributing and awarding salary adjustments for school administrators, the State Board of Education, a school district, a charter school, or the Utah Schools for the Deaf and the Blind shall comply with the requirements for the distribution and award of educator salary adjustments as provided in Subsections (3) and (4).

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 22, 2018 General Session

53F-2-407 Appropriation for library books and electronic resources.

- (1) The State Board of Education shall distribute money appropriated for library books and electronic resources as follows:
 - (a) 25% shall be divided equally among all public schools; and
 - (b) 75% shall be divided among public schools based on each school's average daily membership as compared to the total average daily membership.

- (2) A school district or charter school may not use money distributed under Subsection (1) to supplant other money used to purchase library books or electronic resources.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-408 Enhancement for Accelerated Students Program.

- (1) As used in this section, "eligible low-income student" means a student who:
 - (a) takes an Advanced Placement test;
 - (b) has applied for an Advanced Placement test fee reduction; and
 - (c) qualifies for a free lunch or a lunch provided at reduced cost.
- (2) The State Board of Education shall distribute money appropriated for the Enhancement for Accelerated Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with local education boards.
- (3) A distribution formula adopted under Subsection (2) may include an allocation of money for:
 - (a) Advanced Placement courses;
 - (b) Advanced Placement test fees of eligible low-income students;
 - (c) gifted and talented programs, including professional development for teachers of high ability students; and
 - (d) International Baccalaureate programs.
- (4) The greater of 1.5% or \$100,000 of the appropriation for the Enhancement for Accelerated Students Program may be allowed for International Baccalaureate programs.
- (5) A school district or charter school shall use money distributed under this section to enhance the academic growth of students whose academic achievement is accelerated.
- (6) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for Accelerated Students Program.
- (7) If a school district or charter school receives an allocation of less than \$10,000 under this section, the school district or charter school may use the allocation as described in Section 53F-2-206.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-409 Concurrent enrollment funding.

- (1) The terms defined in Section 53F-10-301 apply to this section.
- (2) The State Board of Education shall allocate money appropriated for concurrent enrollment in accordance with this section.
- (3)
 - (a) The State Board of Education shall allocate money appropriated for concurrent enrollment in proportion to the number of credit hours earned for courses taken where:
 - (i) an LEA primarily bears the cost of instruction; and
 - (ii) an institution of higher education primarily bears the cost of instruction.
 - (b) From the money allocated under Subsection (3)(a)(i), the State Board of Education shall distribute:
 - (i) 60% of the money to LEAs; and
 - (ii) 40% of the money to the State Board of Regents.
 - (c) From the money allocated under Subsection (3)(a)(ii), the State Board of Education shall distribute:
 - (i) 40% of the money to LEAs; and
 - (ii) 60% of the money to the State Board of Regents.

- (d) The State Board of Education shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money to LEAs under Subsections (3)(b)(i) and (3)(c)(i).
- (e) The State Board of Regents shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing for the distribution of the money allocated to institutions of higher education under Subsections (3)(b)(ii) and (3)(c)(ii).
- (4) Subject to budget constraints, the Legislature shall annually increase the money appropriated for concurrent enrollment in proportion to the percentage increase over the previous school year in:
 - (a) kindergarten through grade 12 student enrollment; and
 - (b) the value of the weighted pupil unit.
- (5) If an LEA receives an allocation of less than \$10,000 under this section, the LEA may use the allocation as described in Section 53F-2-206.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-410 Enhancement for At-Risk Students Program.

- (1)
 - (a) Subject to Subsection (1)(b), the State Board of Education shall distribute money appropriated for the Enhancement for At-Risk Students Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with local education boards.
 - (b)
 - (i) The State Board of Education shall appropriate \$1,500,000 from the appropriation for Enhancement for At-Risk Students Program for a gang prevention and intervention program designed to help students at risk for gang involvement stay in school.
 - (ii) Money for the gang prevention and intervention program shall be distributed to school districts and charter schools through a request for proposals process.
- (2) In establishing a distribution formula under Subsection (1)(a), the State Board of Education shall:
 - (a) use the following criteria:
 - (i) low performance on statewide assessments described in Section 53E-4-301;
 - (ii) poverty;
 - (iii) mobility;
 - (iv) limited English proficiency;
 - (v) chronic absenteeism; and
 - (vi) homelessness;
 - (b) ensure that the distribution formula distributes money on a per student and per criterion basis; and
 - (c) ensure that the distribution formula provides funding for each criterion that a student meets such that a student who meets:
 - (i) one criterion is counted once; and
 - (ii) more than one criterion is counted for each criterion the student meets up to three criteria.
- (3) Subject to future budget constraints, the amount appropriated for the Enhancement for At-Risk Students Program shall increase annually with growth in the at-risk student population and changes to the value of the weighted pupil unit as defined in Section 53F-9-305.
- (4) A local education board shall use money distributed under this section to improve the academic achievement of students who are at risk of academic failure including addressing truancy.

- (5) The State Board of Education shall develop performance criteria to measure the effectiveness of the Enhancement for At-Risk Students Program.
- (6) If a school district or charter school receives an allocation of less than \$10,000 under this section, the school district or charter school may use the allocation as described in Section 53F-2-206.
- (7) During the fiscal year that begins July 1, 2022, the Public Education Appropriations Subcommittee shall evaluate:
 - (a) the impact of funding provided in this section to determine whether the funding has improved educational outcomes for students who are at-risk for academic failure; and
 - (b) whether the funding should continue as established, be amended, or be consolidated in the value of the weighted pupil unit.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 117, 2018 General Session

Amended by Chapter 165, 2018 General Session

Amended by Chapter 396, 2018 General Session

53F-2-411 Appropriation for Title I Schools in Improvement Paraeducators Program.

- (1) As used in this section:
 - (a) "Eligible school" means a Title I school that has not achieved adequate yearly progress, as defined in the No Child Left Behind Act of 2001, 20 U.S.C. Sec. 6301 et seq. in the same subject area for two consecutive years.
 - (b) "Paraeducator" means a school employee who:
 - (i) delivers instruction under the direct supervision of a teacher; and
 - (ii) meets the requirements under Subsection (3).
 - (c) "Program" means the Title I Schools in Improvement Paraeducators Program created in this section.
- (2) The program is created to provide funding for eligible schools to hire paraeducators to provide additional instructional aid in the classroom to assist students in achieving academic success and assist the school in exiting Title I school improvement status.
- (3) A paraeducator who is funded under this section shall have:
 - (a) earned a secondary school diploma or a recognized equivalent;
 - (b)
 - (i) completed at least two years with a minimum of 48 semester hours at an accredited higher education institution;
 - (ii) obtained an associates or higher degree from an accredited higher education institution; or
 - (iii) satisfied a rigorous state or local assessment about the individual's knowledge of, and ability to assist in instructing students in, reading, writing, and mathematics; and
 - (c) received large group-, small group-, and individual-level professional development that is intensive and focused and covers curriculum, instruction, assessment, classroom and behavior management, and teaming.
- (4) The State Board of Education shall distribute money appropriated for the program to eligible schools, in accordance with rules adopted by the board.
- (5) Funds appropriated under the program may not be used to supplant other money used for paraeducators at eligible schools.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-413 Alternative programs.

- (1) Since the State Board of Education has adopted a policy that requires school districts and charter schools to grant credit for proficiency through alternative programs, school districts and charter schools are encouraged to continue and expand school district and charter school cooperation with accredited institutions through performance contracts for educational services, particularly where it is beneficial to students whose progress could be better served through alternative programs.
- (2) School districts and charter schools are encouraged to participate in programs that focus on increasing the number of ethnic minority and female students in the secondary schools who will go on to study mathematics, engineering, or related sciences at an institution of higher education.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-414 Review of related to basic school programs.

- (1) No later than November 30, 2018, the Public Education Appropriations Subcommittee shall:
 - (a) review and make recommendations on each program in the related to basic school programs described in Subsection (3);
 - (b) adopt a review schedule going forward for each program described in Subsection (3), placing a program on a schedule to review annually or every four years; and
 - (c) review annually or every four years each program according to the schedule adopted under Subsection (1)(b).
- (2) For a related to basic school program that is not listed in Subsection (3) and is adopted by the Legislature after January 1, 2018, the Public Education Appropriations Subcommittee shall:
 - (a) review and make recommendations for the program in the program's initial year of implementation;
 - (b) adopt a review schedule going forward for the program, placing the program on a schedule to review annually or every four years; and
 - (c) review annually or every four years the program according to the schedule adopted under Subsection (2)(b).
- (3) The programs subject to review under Subsection (1) are the following:
 - (a) the state-supported transportation program described in Section 53F-2-403;
 - (b) the state contribution guarantee program for transportation described in Section 53F-2-403;
 - (c) the weighted pupil unit flexibility allocations described in Section 53F-2-205;
 - (d) the Enhancement for At-Risk Students Program described in Section 53F-2-410;
 - (e) the youth in custody program described in Section 53E-3-503;
 - (f) the adult education program described in Title 53E, Chapter 10, Part 2, Adult Education;
 - (g) the Enhancement for Accelerated Students Program described in Section 53F-2-408;
 - (h) the Centennial Scholarship Program described in Section 53F-2-501;
 - (i) the concurrent enrollment program described in Title 53E, Chapter 10, Part 3, Concurrent Enrollment;
 - (j) the Title I Schools Paraeducators Program described in Section 53F-2-411;
 - (k) the School LAND Trust Program described in Section 53F-2-404;
 - (l) the charter school local replacement funding program described in Section 53F-2-702;
 - (m) the charter school administration allocations described in Section 53F-2-306;
 - (n) the K-3 Reading Improvement Program described in Section 53F-2-503;
 - (o) the educator salary adjustments described in Section 53F-2-405;

- (p) the Teacher Salary Supplement Program described in Section 53F-2-504;
- (q) the school library books and electronic resources appropriation described in Section 53F-2-407;
- (r) the matching appropriation for school nurses described in Section 53F-2-519;
- (s) the Critical Languages Program described in Section 53F-2-516;
- (t) the Dual Language Immersion Program described in Section 53F-2-502;
- (u) the Utah Science Technology and Research (USTAR) Initiative Centers Program described in Section 53F-2-505;
- (v) the Beverley Taylor Sorenson Elementary Arts Learning Program described in Section 53F-2-506;
- (w) the early intervention program described in Section 53F-2-507; and
- (x) the Digital Teaching and Learning Grant Program described in Section 53F-2-510.

Enacted by Chapter 464, 2018 General Session

Part 5

Related to Basic Program -- Grant Programs

53F-2-501 Early graduation incentives -- Incentive to school district -- Partial tuition scholarship for student -- Payments.

- (1) A secondary public school student who has completed all required courses or demonstrated mastery of required skills and competencies may graduate at any time with the approval of:
 - (a) the student;
 - (b) the student's parent or guardian; and
 - (c) a local school official who is authorized by the school's principal or director to approve early graduation.
- (2) The State Board of Education shall make a payment to a public high school in an amount equal to 1/2 of the scholarship awarded to each student under this section who graduates from the school at or before the conclusion of grade 11, or a proportionately lesser amount for a student who graduates after the conclusion of grade 11 but before the conclusion of grade 12.
- (3)
 - (a) The State Board of Education shall award to each student who graduates from high school at or before the conclusion of grade 11 a centennial scholarship in the amount of the greater of 30% of the previous year's value of the weighted pupil unit or \$1,000, subject to this Subsection (3) through Subsection (6).
 - (b) A student who is awarded a centennial scholarship may use the scholarship for full time enrollment at:
 - (i) a Utah public college, university, or community college;
 - (ii) a technical college described in Section 53B-2a-105; or
 - (iii) any other institution in the state of Utah that:
 - (A) is accredited by an accrediting organization recognized by the State Board of Regents; and
 - (B) offers postsecondary courses of the student's choice.
 - (c) Before making a payment of a centennial scholarship, the State Board of Education shall verify that the student has registered at an institution described in Subsection (3)(b):
 - (i) during the fiscal year following the student's graduation from high school; or

- (ii) at the end of the student's deferral period, in accordance with Subsection (4).
- (d) If a student graduates after the conclusion of grade 11 but before the conclusion of grade 12, the State Board of Education shall award the student a centennial scholarship of a proportionately lesser amount than the scholarship amount described in Subsection (3)(a).
- (4)
 - (a) A student who is eligible for a centennial scholarship under Subsection (3) may make a request to the State Board of Education that the State Board of Education defer consideration of the student for the scholarship for a set period of time.
 - (b) A student who makes a request under Subsection (4)(a) shall state in the request the reason for which the student wishes not to be considered for the scholarship until the end of the deferral period, which may include:
 - (i) health reasons;
 - (ii) religious reasons;
 - (iii) military service; or
 - (iv) humanitarian service.
 - (c) If a student makes a request under Subsection (4)(a), the State Board of Education shall:
 - (i)
 - (A) review the student's request; and
 - (B) approve or reject the student's request; and
 - (ii) if the State Board of Education approves the student's request, in consultation with the student, set the length of the deferral period, ensuring that the deferral period is sufficient to meet the student's needs under Subsection (4)(b).
 - (d) At the end of the deferral period, and upon request of the student, the State Board of Education shall:
 - (i) determine a student to be eligible for the scholarship if the student was eligible at the time of the student's request for deferral; and
 - (ii) if found eligible, make a payment to the student in an amount equal to the amount described in Subsection (4)(e).
 - (e) The amount of a student's deferred scholarship payment shall be determined by the State Board of Education based on the amount of the scholarship the student would have been entitled to as described in Subsection (3) and based on the fiscal year prior to the student's request for deferral.
- (5) Except as provided in Subsection (4)(b), the State Board of Education:
 - (a) shall make the payments authorized in Subsections (2) and (3)(a) during the fiscal year that follows the student's graduation; and
 - (b) may make the payments authorized in Subsection (3)(b) during the fiscal year:
 - (i) in which the student graduates; or
 - (ii) following the student's graduation.
- (6) Subject to future budget constraints, the Legislature shall adjust the appropriation for the Centennial Scholarship Program based on:
 - (a) the anticipated increase of students awarded a centennial scholarship; and
 - (b) the percent increase of the prior year's weighted pupil unit value, as provided in Subsection (3).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-502 Dual language immersion.

- (1) As used in this section:

- (a) "Board" means the State Board of Education.
 - (b) "Dual language immersion" means an instructional setting in which a student receives a portion of instruction in English and a portion of instruction exclusively in a partner language.
 - (c) "Local education agency" or "LEA" means a school district or a charter school.
 - (d) "Participating LEA" means an LEA selected by the board to receive a grant described in this section.
 - (e) "Partner language" means a language other than English in which instruction is provided in dual language immersion.
- (2) The board shall:
- (a) establish a dual language immersion program;
 - (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules that establish:
 - (i) a grant program for an LEA to receive funding for dual language immersion;
 - (ii) the required qualifications for an LEA to be a participating LEA;
 - (iii) subject to this section, requirements of a participating LEA;
 - (iv) a proficiency assessment for each partner language; and
 - (v) a progression of how a school in a participating LEA adds grade levels in which the school offers dual language immersion;
 - (c) subject to legislative appropriations:
 - (i) select participating LEAs; and
 - (ii) award to a participating LEA a grant to support dual language immersion in the LEA; and
 - (d) report to a legislative committee on the results of a proficiency assessment described in Subsection (2)(b)(iv) upon request.
- (3) A participating LEA shall:
- (a) establish in a school a full-day dual language immersion instructional model that provides at least 50% of instruction exclusively in a partner language;
 - (b) in accordance with the board rules described in Subsection (2)(b), add grades in which dual language immersion is provided in a school; and
 - (c) annually administer to each student in grades 3 through 8 who participates in dual language immersion an assessment described in Subsection (2)(b)(iv).
- (4) The board shall:
- (a) provide support to a participating LEA, including by:
 - (i) offering professional learning for dual language immersion educators;
 - (ii) developing curriculum related to dual language immersion; or
 - (iii) providing instructional support for a partner language;
 - (b) conduct a program evaluation of the dual language immersion program established under Subsection (2)(a); and
 - (c) on or before November 1, 2019, report to the Education Interim Committee and the Public Education Appropriations Subcommittee on the results of the program evaluation described in Subsection (4)(b).
- (5) The board may, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, contract with a third party to conduct the program evaluation described in Subsection (4)(b).

Renumbered and Amended by Chapter 2, 2018 General Session

Repealed and Re-enacted by Chapter 98, 2018 General Session

53F-2-503 Early Literacy Program -- Literacy proficiency plan.

- (1) As used in this section:

- (a) "Board" means the State Board of Education.
- (b) "Program" means the Early Literacy Program.
- (c) "Program money" means:
 - (i) school district revenue allocated to the program from other money available to the school district, except money provided by the state, for the purpose of receiving state funds under this section; and
 - (ii) money appropriated by the Legislature to the program.
- (2) The Early Literacy Program consists of program money and is created to supplement other school resources for early literacy.
- (3) Subject to future budget constraints, the Legislature may annually appropriate money to the Early Literacy Program.
- (4)
 - (a) A local education board of a school district or a charter school that serves students in any of grades kindergarten through grade 3 shall submit a plan to the board for literacy proficiency improvement that incorporates the following components:
 - (i) core instruction in:
 - (A) phonological awareness;
 - (B) phonics;
 - (C) fluency;
 - (D) comprehension;
 - (E) vocabulary;
 - (F) oral language; and
 - (G) writing;
 - (ii) intervention strategies that are aligned to student needs;
 - (iii) professional development for classroom teachers, literacy coaches, and interventionists in kindergarten through grade 3;
 - (iv) assessments that support adjustments to core and intervention instruction;
 - (v) a growth goal for the school district or charter school that:
 - (A) is based upon student learning gains as measured by benchmark assessments administered pursuant to Section 53E-4-307; and
 - (B) includes a target of at least 60% of all students in grades 1 through 3 meeting the growth goal;
 - (vi) at least two goals that are specific to the school district or charter school that:
 - (A) are measurable;
 - (B) address current performance gaps in student literacy based on data; and
 - (C) include specific strategies for improving outcomes; and
 - (vii) if a school uses interactive literacy software, the use of interactive literacy software, including early interactive reading software described in Section 53F-4-203.
 - (b) A local education board shall approve a plan described in Subsection (4)(a) in a public meeting before submitting the plan to the board.
 - (c) The board shall provide model plans that a local education board may use, or a local education board may develop the local education board's own plan.
 - (d) A plan developed by a local education board shall be approved by the board.
 - (e) The board shall develop uniform standards for acceptable growth goals that a local education board adopts for a school district or charter school as described in this Subsection (4).
- (5)
 - (a) There are created within the Early Literacy Program three funding programs:
 - (i) the Base Level Program;

- (ii) the Guarantee Program; and
 - (iii) the Low Income Students Program.
- (b) The board may use up to \$7,500,000 from an appropriation described in Subsection (3) for computer-assisted instructional learning and assessment programs.
- (6) Money appropriated to the board for the Early Literacy Program and not used by the board for computer-assisted instructional learning and assessments described in Subsection (5)(b) shall be allocated to the three funding programs as follows:
 - (a) 8% to the Base Level Program;
 - (b) 46% to the Guarantee Program; and
 - (c) 46% to the Low Income Students Program.
- (7)
 - (a) For a school district or charter school to participate in the Base Level Program, the local education board shall submit a plan described in Subsection (4) and shall receive approval of the plan from the board.
 - (b)
 - (i) The local school board of a school district qualifying for Base Level Program funds and the governing boards of qualifying elementary charter schools combined shall receive a base amount.
 - (ii) The base amount for the qualifying elementary charter schools combined shall be allocated among each charter school in an amount proportionate to:
 - (A) each existing charter school's prior year fall enrollment in grades kindergarten through grade 3; and
 - (B) each new charter school's estimated fall enrollment in grades kindergarten through grade 3.
- (8)
 - (a) A local school board that applies for program money in excess of the Base Level Program funds may choose to first participate in the Guarantee Program or the Low Income Students Program.
 - (b) A school district shall fully participate in either the Guarantee Program or the Low Income Students Program before the local school board may elect for the school district to either fully or partially participate in the other program.
 - (c) For a school district to fully participate in the Guarantee Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000056.
 - (d) For a school district to fully participate in the Low Income Students Program, the local school board shall allocate to the program money available to the school district, except money provided by the state, equal to the amount of revenue that would be generated by a tax rate of .000065.
 - (e)
 - (i) The board shall verify that a local school board allocates the money required in accordance with Subsections (8)(c) and (d) before the board distributes funds in accordance with this section.
 - (ii) The State Tax Commission shall provide the board the information the board needs in order to comply with Subsection (8)(e)(i).
- (9)
 - (a) Except as provided in Subsection (9)(c), the local school board of a school district that fully participates in the Guarantee Program shall receive state funds in an amount that is:

- (i) equal to the difference between \$21 multiplied by the school district's total WPUs and the revenue the local school board is required to allocate under Subsection (8)(c) for the school district to fully participate in the Guarantee Program; and
 - (ii) not less than \$0.
 - (b) Except as provided in Subsection (9)(c), an elementary charter school shall receive under the Guarantee Program an amount equal to \$21 times the elementary charter school's total WPUs.
 - (c) The board may adjust the \$21 guarantee amount described in Subsections (9)(a) and (b) to account for actual appropriations and money used by the board for computer-assisted instructional learning and assessments.
- (10) The board shall distribute Low Income Students Program funds in an amount proportionate to the number of students in each school district or charter school who qualify for free or reduced price school lunch multiplied by two.
- (11) A school district that partially participates in the Guarantee Program or Low Income Students Program shall receive program funds based on the amount of school district revenue allocated to the program as a percentage of the amount of revenue that could have been allocated if the school district had fully participated in the program.
- (12)
- (a) A local education board shall use program money for early literacy interventions and supports in kindergarten through grade 3 that have proven to significantly increase the percentage of students who are proficient in literacy, including:
 - (i) evidence-based intervention curriculum;
 - (ii) literacy assessments that identify student learning needs and monitor learning progress; or
 - (iii) focused literacy interventions that may include:
 - (A) the use of reading specialists or paraprofessionals;
 - (B) tutoring;
 - (C) before or after school programs;
 - (D) summer school programs; or
 - (E) the use of interactive computer software programs for literacy instruction and assessments for students.
 - (b) A local education board may use program money for portable technology devices used to administer literacy assessments.
 - (c) Program money may not be used to supplant funds for existing programs, but may be used to augment existing programs.
- (13)
- (a) A local education board shall annually submit a report to the board accounting for the expenditure of program money in accordance with the local education board's plan described in Subsection (4).
 - (b) If a local education board uses program money in a manner that is inconsistent with Subsection (12), the school district or charter school is liable for reimbursing the board for the amount of program money improperly used, up to the amount of program money received from the board.
- (14)
- (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to implement the program.
 - (b)

- (i) The rules under Subsection (14)(a) shall require each local education board to annually report progress in meeting goals described in Subsections (4)(a)(v) and (vi), including the strategies the school district or charter school uses to address the goals.
 - (ii) If a school district or charter school does not meet or exceed the school district's or charter school's goals described in Subsection (4)(a)(v) or (vi), the local education board shall prepare a new plan that corrects deficiencies.
 - (iii) The new plan described in Subsection (14)(b)(ii) shall be approved by the board before the local education board receives an allocation for the next year.
- (15)
- (a) The board shall:
 - (i) develop strategies to provide support for a school district or charter school that fails to meet a goal described in Subsection (4)(a)(v) or (vi); and
 - (ii) provide increasing levels of support to a school district or charter school that fails to meet a goal described in Subsection (4)(a)(v) or (vi) for two consecutive years.
 - (b)
 - (i) The board shall use a digital reporting platform to provide information to school districts and charter schools about interventions that increase proficiency in literacy.
 - (ii) The digital reporting platform shall include performance information for a school district or charter school on the goals described in Subsection (4)(a)(v) and (vi).
- (16) The board may use up to 3% of the funds appropriated by the Legislature to carry out the provisions of this section for administration of the program.
- (17) The board shall make an annual report to the Public Education Appropriations Subcommittee that:
- (a) includes information on:
 - (i) student learning gains in early literacy for the past school year and the five-year trend;
 - (ii) the percentage of grade 3 students who are proficient in English language arts in the past school year and the five-year trend;
 - (iii) the progress of school districts and charter schools in meeting goals described in a plan described in Subsection (4)(a); and
 - (iv) the specific strategies or interventions used by school districts or charter schools that have significantly improved early grade literacy proficiency; and
 - (b) may include recommendations on how to increase the percentage of grade 3 students who are proficient in English language arts, including how to use a strategy or intervention described in Subsection (17)(a)(iv) to improve literacy proficiency for additional students.
- (18) The report described in Subsection (17) shall include information provided through the digital reporting platform described in Subsection (15)(b).

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 300, 2018 General Session

Amended by Chapter 456, 2018 General Session

53F-2-504 Teacher Salary Supplement Program -- Appeal process.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Certificate teacher" means a teacher who holds a National Board certification.
 - (c) "Eligible teacher" means a teacher who:
 - (i) has an assignment to teach:
 - (A) a secondary school level mathematics course;

- (B) integrated science in grade 7 or 8;
 - (C) chemistry;
 - (D) physics;
 - (E) computer science; or
 - (F) special education;
 - (ii) holds the appropriate endorsement for the assigned course;
 - (iii) has qualifying educational background; and
 - (iv)
 - (A) is a new employee; or
 - (B) received a satisfactory rating or above on the teacher's most recent evaluation.
 - (d) "Field of computer science" means:
 - (i) computer science; or
 - (ii) computer information technology.
 - (e) "Field of science" means:
 - (i) integrated science;
 - (ii) chemistry;
 - (iii) physics;
 - (iv) physical science; or
 - (v) general science.
 - (f) "License" means the same as that term is defined in Section 53E-6-102.
 - (g) "National Board certification" means the same as that term is defined in Section 53E-6-102.
 - (h) "Qualifying educational background" means:
 - (i) for a teacher who is assigned a secondary school level mathematics course:
 - (A) a bachelor's degree major, master's degree, or doctoral degree in mathematics; or
 - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements for a bachelor's degree major, master's degree, or doctoral degree in mathematics;
 - (ii) for a teacher who is assigned a grade 7 or 8 integrated science course, chemistry course, or physics course:
 - (A) a bachelor's degree major, master's degree, or doctoral degree in a field of science; or
 - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a degree described in Subsection (1)(h)(ii)(A);
 - (iii) for a teacher who is assigned a computer science course:
 - (A) a bachelor's degree major, master's degree, or doctoral degree in a field of computer science; or
 - (B) a bachelor's degree major, master's degree, or doctoral degree that has course requirements that are substantially equivalent to the course requirements of those required for a degree described in Subsection (1)(h)(iii)(A); or
 - (iv) for a teacher who is assigned to teach special education, a bachelor's degree major, master's degree, or doctoral degree in special education.
 - (i) "Title I school" means a school that receives funds under the Elementary and Secondary Education Act of 1965, Title I, 20 U.S.C. Sec. 6301 et seq.
 - (j) "Title I school certificate teacher" means a certificate teacher who is assigned to teach at a Title I school.
- (2)
- (a) Subject to future budget constraints, the Legislature shall:

- (i) annually appropriate money to the Teacher Salary Supplement Program to maintain annual salary supplements provided in previous years; and
 - (ii) provide salary supplements to new recipients.
- (b) Money appropriated for the Teacher Salary Supplement Program shall include money for the following employer-paid benefits:
 - (i) retirement;
 - (ii) workers' compensation;
 - (iii) Social Security; and
 - (iv) Medicare.
- (3)
 - (a)
 - (i) The annual salary supplement for an eligible teacher who is assigned full time to teach one or more courses listed in Subsections (1)(c)(i)(A) through (F) is \$4,100 and funded through an appropriation described in Subsection (2).
 - (ii) An eligible teacher who has a part-time assignment to teach one or more courses listed in Subsections (1)(c)(i)(A) through (F) shall receive a partial salary supplement based on the number of hours worked in the course assignment.
 - (b) The annual salary supplement for a certificate teacher is \$750.
 - (c)
 - (i) The annual salary supplement for a Title I school certificate teacher is \$1,500.
 - (ii) A certificate teacher who qualifies for a salary supplement under Subsections (3)(b) and (c) may only receive the salary supplement that is greater in value.
- (4) The board shall:
 - (a) create an online application system for a teacher to apply to receive a salary supplement through the Teacher Salary Supplement Program;
 - (b) determine if a teacher:
 - (i)
 - (A) is an eligible teacher; and
 - (B) has a course assignment as listed in Subsections (1)(c)(i)(A) through (F);
 - (ii) is a certificate teacher; or
 - (iii) is a Title I school certificate teacher;
 - (c) verify, as needed, the determinations made under Subsection (4)(b) with school district and school administrators; and
 - (d) certify a list of eligible teachers, certificate teachers, and Title I school certificate teachers .
- (5)
 - (a) An eligible teacher, a certificate teacher, or a Title I school certificate teacher shall apply with the board before the conclusion of a school year to receive the salary supplement authorized in this section.
 - (b) An eligible teacher, a certificate teacher, or a Title I school certificate teacher may apply with the board, after verification that the requirements under this section have been satisfied, to receive a salary supplement after the completion of:
 - (i) the school year as an annual award; or
 - (ii) a semester or trimester as a partial award based on the portion of the school year that has been completed.
- (6)
 - (a) The board shall establish and administer an appeal process for a teacher to follow if the teacher applies for a salary supplement and does not receive a salary supplement under Subsection (8).

- (b)
 - (i) The appeal process established in Subsection (6)(a) shall allow a teacher to appeal eligibility as an eligible teacher on the basis that the teacher has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree described in:
 - (A) Subsection (1)(h)(i)(A);
 - (B) Subsection (1)(h)(ii)(A);
 - (C) Subsection (1)(h)(iii)(A); or
 - (D) Subsection (1)(h)(iv).
 - (ii) A teacher shall provide transcripts and other documentation to the board in order for the board to determine if the teacher has a degree or degree major with course requirements that are substantially equivalent to the course requirements for a degree listed in:
 - (A) Subsection (1)(h)(i)(A);
 - (B) Subsection (1)(h)(ii)(A);
 - (C) Subsection (1)(h)(iii)(A); or
 - (D) Subsection (1)(h)(iv).
- (c)
 - (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as a certificate teacher on the basis that the teacher holds a current certificate.
 - (ii) A teacher shall provide to the board a certificate or other related documentation in order for the board to determine if the teacher holds a current certificate.
- (d)
 - (i) The appeal process established under Subsection (6)(a) shall allow a teacher to appeal eligibility as a Title I school certificate teacher on the basis that the teacher:
 - (A) holds a current certificate; and
 - (B) is assigned to teach at a Title I school.
 - (ii) A teacher shall provide to the board:
 - (A) information described in Subsection (6)(c)(ii); and
 - (B) verification that the teacher is assigned to teach at a Title I school.
- (7)
 - (a) The board shall distribute money appropriated to the Teacher Salary Supplement Program to school districts and charter schools for the Teacher Salary Supplement Program in accordance with the provisions of this section.
 - (b) The board shall include the employer-paid benefits described under Subsection (2)(b) in the amount of each salary supplement .
 - (c) The employer-paid benefits described under Subsection (2)(b) are an addition to the salary supplement limits described under Subsection (3).
- (8)
 - (a) Money received from the Teacher Salary Supplement Program shall be used by a school district or charter school to provide a salary supplement equal to the amount specified in Subsection (3) for each eligible teacher, certificate teacher, or Title I school certificate teacher.
 - (b) The salary supplement is part of the teacher's base pay, subject to the teacher's qualification as an eligible teacher, a certificate teacher, or a Title I school certificate teacher every year, semester, or trimester.
- (9) Notwithstanding the provisions of this section, if the appropriation for the program is insufficient to cover the costs associated with salary supplements, the board shall distribute the funds in the Teacher Salary Supplement Program on a pro rata basis.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 212, 2018 General Session

53F-2-505 Utah Science Technology and Research Initiative Centers Program.

- (1)
 - (a) The Utah Science Technology and Research Initiative (USTAR) Centers Program is created to provide a financial incentive for local education boards to adopt programs in respective charter schools and school districts that result in a more efficient use of human resources and capital facilities.
 - (b) The potential benefits of the program include:
 - (i) increased compensation for math and science teachers by providing opportunities for an expanded contract year which will enhance school districts' and charter schools' ability to attract and retain talented and highly qualified math and science teachers;
 - (ii) increased capacity of school buildings by using buildings more hours of the day or more days of the year, resulting in reduced capital facilities costs;
 - (iii) decreased class sizes created by expanding the number of instructional opportunities in a year;
 - (iv) opportunities for earlier high school graduation;
 - (v) improved student college preparation;
 - (vi) increased opportunities to offer additional remedial and advanced courses in math and science;
 - (vii) opportunities to coordinate high school and post-secondary math and science education; and
 - (viii) the creation or improvement of science, technology, engineering, and math centers (STEM Centers).
- (2) From money appropriated for the USTAR Centers Program, the State Board of Education shall award grants to charter schools and school districts to pay for costs related to the adoption and implementation of the program.
- (3) The State Board of Education shall:
 - (a) solicit proposals from the State Charter School Board and local school boards for the use of grant money to facilitate the adoption and implementation of the program; and
 - (b) award grants on a competitive basis.
- (4) The State Charter School Board shall:
 - (a) solicit proposals from charter school governing boards that may be interested in participating in the USTAR Centers Program;
 - (b) prioritize and consolidate the proposals into the equivalent of a single school district request; and
 - (c) submit the consolidated request to the State Board of Education.
- (5) In selecting a grant recipient, the State Board of Education shall consider:
 - (a) the degree to which a charter school or school district's proposed adoption and implementation of an extended year for math and science teachers achieves the benefits described in Subsection (1);
 - (b) the unique circumstances of different urban, rural, large, small, growing, and declining charter schools and school districts; and
 - (c) providing pilot programs in as many different school districts and charter schools as possible.
- (6)

- (a) Except as provided in Subsection (6)(b), a school district or charter school may only use grant money to provide full year teacher contracts, part-time teacher contract extensions, or combinations of both, for math and science teachers.
 - (b) Up to 5% of the grant money may be used to fund math and science field trips, textbooks, and supplies.
- (7) Participation in the USTAR Centers Program shall be:
- (a) voluntary for an individual teacher; and
 - (b) voluntary for a charter school or school district.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-506 Beverley Taylor Sorenson Elementary Arts Learning Program.

- (1) As used in this section:
- (a) "Endowed chair" means a person who holds an endowed position or administrator of an endowed program for the purpose of arts and integrated arts instruction at an endowed university.
 - (b) "Endowed university" means an institution of higher education in the state that:
 - (i) awards elementary education degrees in arts instruction;
 - (ii) has received a major philanthropic donation for the purpose of arts and integrated arts instruction; and
 - (iii) has created an endowed position as a result of a donation described in Subsection (1)(b)(ii).
 - (c) "Integrated arts advocate" means a person who:
 - (i) advocates for arts and integrated arts instruction in the state; and
 - (ii) coordinates with an endowed chair pursuant to the agreement creating the endowed chair.
 - (d) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
- (2) The Legislature finds that a strategic placement of arts in elementary education can impact the critical thinking of students in other core subject areas, including mathematics, reading, and science.
- (3) The Beverley Taylor Sorenson Elementary Arts Learning Program is created to enhance the social, emotional, academic, and arts learning of students in kindergarten through grade six by integrating arts teaching and learning into core subject areas and providing professional development for positions that support elementary arts and integrated arts education.
- (4) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, and subject to Subsection (5), the State Board of Education shall, after consulting with endowed chairs and the integrated arts advocate and receiving their recommendations, administer a grant program to enable LEAs to:
- (a) hire highly qualified arts specialists, art coordinators, and other positions that support arts education and arts integration;
 - (b) provide up to \$10,000 in one-time funds for each new school arts specialist described under Subsection (4)(a) to purchase supplies and equipment; and
 - (c) engage in other activities that improve the quantity and quality of integrated arts education.
- (5)
- (a) An LEA that receives a grant under Subsection (4) shall provide matching funds of no less than 20% of the grant amount, including no less than 20% of the grant amount for actual salary and benefit costs per full-time equivalent position funded under Subsection (4)(a).

- (b) An LEA may not:
 - (i) include administrative, facility, or capital costs to provide the matching funds required under Subsection (5)(a); or
 - (ii) use funds from the Beverley Taylor Sorenson Elementary Arts Learning Program to supplant funds for existing programs.
- (6) An LEA that receives a grant under this section shall partner with an endowed chair to provide professional development in integrated elementary arts education.
- (7) From money appropriated for the Beverley Taylor Sorenson Elementary Arts Learning Program, the State Board of Education shall administer a grant program to fund activities within arts and the integrated arts programs at an endowed university in the college where the endowed chair resides to:
 - (a) provide high quality professional development in elementary integrated arts education in accordance with the professional learning standards in Section 53G-11-303 to LEAs that receive a grant under Subsection (4);
 - (b) design and conduct research on:
 - (i) elementary integrated arts education and instruction;
 - (ii) implementation and evaluation of the Beverley Taylor Sorenson Elementary Arts Learning Program; and
 - (iii) effectiveness of the professional development under Subsection (7)(a); and
 - (c) provide the public with integrated elementary arts education resources.
- (8) The State Board of Education shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Beverley Taylor Sorenson Elementary Arts Learning Program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-507 Enhanced kindergarten early intervention program.

- (1) The State Board of Education shall, as described in Subsection (4), distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2), to school districts and charter schools that apply for the funds.
- (2) A local education board shall use funds appropriated in this section for a school district or charter school to offer an early intervention program, delivered through an enhanced kindergarten program that:
 - (a) is an academic program focused on building age-appropriate literacy and numeracy skills;
 - (b) uses an evidence-based early intervention model;
 - (c) is targeted to at-risk students; and
 - (d) is delivered through additional hours or other means.
- (3) A local education board may not require a student to participate in an enhanced kindergarten program described in Subsection (2).
- (4) The State Board of Education shall distribute funds appropriated under this section for an enhanced kindergarten program described in Subsection (2) as follows:
 - (a)
 - (i) the total allocation for charter schools shall be calculated by:
 - (A) dividing the number of charter school students by the total number of students in the public education system in the prior school year; and
 - (B) multiplying the resulting percentage by the total amount of available funds; and

- (ii) the amount calculated under Subsection (4)(a) shall be distributed to charter schools with the greatest need for an enhanced kindergarten program, as determined by the State Board of Education in consultation with the State Charter School Board;
- (b) each school district shall receive the amount calculated by:
 - (i) multiplying the value of the weighted pupil unit by 0.45; and
 - (ii) multiplying the result by 20; and
- (c) the remaining funds, after the allocations described in Subsections (4)(a) and (4)(b) are made, shall be distributed to applicant school districts by:
 - (i) determining the number of students eligible to receive free lunch in the prior school year for each school district; and
 - (ii) prorating the remaining funds based on the number of students eligible to receive free lunch in each school district.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-508 Student Leadership Skills Development Program.

- (1) For purposes of this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Program" means the Student Leadership Skills Development Program created in Subsection (2).
- (2) There is created the Student Leadership Skills Development Program to develop student behaviors and skills that enhance a school's learning environment and are vital for success in a career, including:
 - (a) communication skills;
 - (b) teamwork skills;
 - (c) interpersonal skills;
 - (d) initiative and self-motivation;
 - (e) goal setting skills;
 - (f) problem solving skills; and
 - (g) creativity.
- (3)
 - (a) The board shall administer the program and award grants to elementary schools that apply for a grant on a competitive basis.
 - (b) The board may award a grant of:
 - (i) up to \$10,000 per school for the first year a school participates in the program; and
 - (ii) up to \$20,000 per school for subsequent years a school participates in the program.
 - (c)
 - (i) After awarding a grant to a school for a particular year, the board may not change the grant amount awarded to the school for that year.
 - (ii) The board may award a school a different amount in subsequent years.
- (4) An elementary school may participate in the program established under this section in accordance with State Board of Education rules, made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) In selecting elementary schools to participate in the program, the board shall:
 - (a) require a school in the first year the school participates in the program to provide matching funds or an in-kind contribution of goods or services in an amount equal to the grant the school receives from the board;
 - (b) require a school to participate in the program for two years; and

- (c) give preference to Title I schools or schools in need of academic improvement.
- (6) The board shall make the following information related to the grants described in Subsection (3) publicly available on the board's website:
 - (a) reimbursement procedures that clearly define how a school may spend grant money and how the board will reimburse the school;
 - (b) the period of time a school is permitted to spend grant money;
 - (c) criteria for selecting a school to receive a grant; and
 - (d) a list of schools that receive a grant and the amount of each school's grant.
- (7) A school that receives a grant described in Subsection (3) shall:
 - (a)
 - (i) set school-wide goals for the school's student leadership skills development program; and
 - (ii) require each student to set personal goals; and
 - (b) provide the following to the board after the first school year of implementation of the program:
 - (i) evidence that the grant money was used for the purpose of purchasing or developing the school's own student leadership skills development program; and
 - (ii) a report on the effectiveness and impact of the school's student leadership skills development program on student behavior and academic results as measured by:
 - (A) a reduction in truancy;
 - (B) assessments of academic achievement;
 - (C) a reduction in incidents of student misconduct or disciplinary actions; and
 - (D) the achievement of school-wide goals and students' personal goals.
- (8) After participating in the program for two years, a school may not receive additional grant money in subsequent years if the school fails to demonstrate an improvement in student behavior and academic achievement as measured by the data reported under Subsection (7)(b).
- (9)
 - (a) The board shall make a report on the program to the Education Interim Committee by the committee's October 2016 meeting.
 - (b) The report shall include an evaluation of the program's success in enhancing a school's learning environment and improving academic achievement.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-509 Grants for field trips to the State Capitol.

- (1) The State Board of Education may award grants to school districts and charter schools to take students on field trips to the State Capitol.
- (2) Grant money may be used to pay for transportation expenses related to a field trip to the State Capitol.
- (3) The State Board of Education shall make rules:
 - (a) establishing procedures for applying for and awarding grants; and
 - (b) specifying how grant money shall be allocated among school districts and charter schools.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-510 Digital Teaching and Learning Grant Program.

- (1) As used in this section:
 - (a) "Advisory committee" means the committee established by the board under Subsection (9)(b).
 - (b) "Board" means the State Board of Education.

- (c) "Digital readiness assessment" means an assessment provided by the board that:
 - (i) is completed by an LEA analyzing an LEA's readiness to incorporate comprehensive digital teaching and learning; and
 - (ii) informs the preparation of an LEA's plan for incorporating comprehensive digital teaching and learning.
 - (d) "High quality professional learning" means the professional learning standards described in Section 53G-11-303.
 - (e) "Implementation assessment" means an assessment that analyzes an LEA's implementation of an LEA plan, including identifying areas for improvement, obstacles to implementation, progress toward the achievement of stated goals, and recommendations going forward.
 - (f) "LEA plan" means an LEA's plan to implement a digital teaching and learning program that meets the requirements of this section and requirements set forth by the board and the advisory committee.
 - (g) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (h) "Program" means the Digital Teaching and Learning Grant Program created and described in Subsections (8) through (13).
 - (i) "Utah Education and Telehealth Network" or "UETN" means the Utah Education and Telehealth Network created in Section 53B-17-105.
- (2)
- (a) The board shall establish a digital teaching and learning task force to develop a funding proposal to present to the Legislature for digital teaching and learning in elementary and secondary schools.
 - (b) The digital teaching and learning task force shall include representatives of:
 - (i) the board;
 - (ii) UETN;
 - (iii) LEAs; and
 - (iv) the Governor's Education Excellence Commission.
- (3)
- (a) The board, in consultation with the digital teaching and learning task force created in Subsection (2), shall create a funding proposal for a statewide digital teaching and learning program designed to:
 - (i) improve student outcomes through the use of digital teaching and learning technology; and
 - (ii) provide high quality professional learning for educators to improve student outcomes through the use of digital teaching and learning technology.
 - (b) The board shall:
 - (i) identify outcome based metrics to measure student achievement related to a digital teaching and learning program; and
 - (ii) develop minimum benchmark standards for student achievement and school level outcomes to measure successful implementation of a digital teaching and learning program.
- (4) As funding allows, the board shall develop a master plan for a statewide digital teaching and learning program, including the following:
- (a) a statement of purpose that describes the objectives or goals the board will accomplish by implementing a digital teaching and learning program;
 - (b) a forecast for fundamental components needed to implement a digital teaching and learning program, including a forecast for:

- (i) student and teacher devices;
- (ii) Wi-Fi and wireless compatible technology;
- (iii) curriculum software;
- (iv) assessment solutions;
- (v) technical support;
- (vi) change management of LEAs;
- (vii) high quality professional learning;
- (viii) Internet delivery and capacity; and
- (ix) security and privacy of users;
- (c) a determination of the requirements for:
 - (i) statewide technology infrastructure; and
 - (ii) local LEA technology infrastructure;
- (d) standards for high quality professional learning related to implementing and maintaining a digital teaching and learning program;
- (e) a statewide technical support plan that will guide the implementation and maintenance of a digital teaching and learning program, including standards and competency requirements for technical support personnel;
- (f)
 - (i) a grant program for LEAs; or
 - (ii) a distribution formula to fund LEA digital teaching and learning programs;
- (g) in consultation with UETN, an inventory of the state public education system's current technology resources and other items and a plan to integrate those resources into a digital teaching and learning program;
- (h) an ongoing evaluation process that is overseen by the board;
- (i) proposed rules that incorporate the principles of the master plan into the state's public education system as a whole; and
- (j) a plan to ensure long-term sustainability that:
 - (i) accounts for the financial impacts of a digital teaching and learning program; and
 - (ii) facilitates the redirection of LEA savings that arise from implementing a digital teaching and learning program.
- (5) UETN shall:
 - (a) in consultation with the board, conduct an inventory of the state public education system's current technology resources and other items as determined by UETN, including software;
 - (b) perform an engineering study to determine the technology infrastructure needs of the public education system to implement a digital teaching and learning program, including the infrastructure needed for the board, UETN, and LEAs; and
 - (c) as funding allows, provide infrastructure and technology support for school districts and charter schools.
- (6) On or before December 1, 2015, the board and UETN shall present the funding proposal for a statewide digital teaching and learning program described in Subsection (3) to the Education Interim Committee and the Executive Appropriations Committee, including:
 - (a) the board's progress on the development of a master plan described in Subsection (4); and
 - (b) the progress of UETN on the inventory and study described in Subsection (5).
- (7) Beginning July 1, 2016, and ending July 1, 2021, each LEA, including each school within an LEA, shall annually complete a digital readiness assessment.
- (8) There is created the Digital Teaching and Learning Grant Program to improve educational outcomes in public schools by effectively incorporating comprehensive digital teaching and learning technology.

(9) The board shall:

- (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules for the administration of the program, including rules requiring:
 - (i) an LEA plan to include measures to ensure that the LEA monitors and implements technology with best practices, including the recommended use for effectiveness;
 - (ii) an LEA plan to include robust goals for learning outcomes and appropriate measurements of goal achievement;
 - (iii) an LEA to demonstrate that the LEA plan can be fully funded by grant funds or a combination of grant and local funds; and
 - (iv) an LEA to report on funds from expenses previous to the implementation of the LEA plan that the LEA has redirected after implementation;
- (b) establish an advisory committee to make recommendations on the program and LEA plan requirements and report to the board; and
- (c) in accordance with this section, approve LEA plans and award grants.

(10)

- (a) The board shall, subject to legislative appropriations, award a grant to an LEA:
 - (i) that submits an LEA plan that meets the requirements described in Subsection (11); and
 - (ii) for which the LEA's leadership and management members have completed a digital teaching and learning leadership and implementation training as provided in Subsection (10)(b).
- (b) The board or its designee shall provide the training described in Subsection (10)(a)(ii).

(11) The board shall establish requirements of an LEA plan that shall include:

- (a) the results of the LEA's digital readiness assessment and a proposal to remedy an obstacle to implementation or other issues identified in the assessment;
- (b) a proposal to provide high quality professional learning for educators in the use of digital teaching and learning technology;
- (c) a proposal for leadership training and management restructuring, if necessary, for successful implementation;
- (d) clearly identified targets for improved student achievement, student learning, and college readiness through digital teaching and learning; and
- (e) any other requirement established by the board in rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, including an application process and metrics to analyze the quality of a proposed LEA plan.

(12) The board or the board's designee shall establish an interactive dashboard available to each LEA that is awarded a grant for the LEA to track and report the LEA's long-term, intermediate, and direct outcomes in realtime and for the LEA to use to create customized reports.

(13)

- (a) There is no federal funding, federal requirement, federal education agreement, or national program included or related to this state adopted program.
- (b) Any inclusion of federal funding, federal requirement, federal education agreement, or national program shall require separate express approval as provided in Title 53E, Chapter 3, Part 8, Implementing Federal or National Education Programs.

(14)

- (a) An LEA that receives a grant as part of the program shall:
 - (i) subject to Subsection (14)(b), complete an implementation assessment for each year that the LEA is expending grant money; and
 - (ii) (A) report the findings of the implementation assessment to the board; and

- (B) submit to the board a plan to resolve issues raised in the implementation assessment.
- (b) Each school within the LEA shall:
 - (i) complete an implementation assessment; and
 - (ii) submit a compilation report that meets the requirements described in Subsections (14)(a)(ii) (A) and (B).
- (15) The board or the board's designee shall review an implementation assessment and review each participating LEA's progress from the previous year, as applicable.
- (16) The board shall establish interventions for an LEA that does not make progress on implementation of the LEA's implementation plan, including:
 - (a) nonrenewal of, or time period extensions for, the LEA's grant;
 - (b) reduction of funds; or
 - (c) other interventions to assist the LEA.
- (17) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall contract with an independent evaluator to:
 - (a) annually evaluate statewide direct and intermediate outcomes beginning the first year that grants are awarded, including baseline data collection for long-term outcomes;
 - (b) in the fourth year after a grant is awarded, and each year thereafter, evaluate statewide long-term outcomes; and
 - (c) report on the information described in Subsections (17)(a) and (b) to the board.
- (18)
 - (a) To implement an LEA plan, a contract, in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or other agreement with one or more providers of technology powered learning solutions and one or more providers of wireless networking solutions may be entered into by:
 - (i) UETN, in cooperation with or on behalf of, as applicable, the board, the board's designee, or an LEA; or
 - (ii) an LEA.
 - (b) A contract or agreement entered into under Subsection (18)(a) may be a contract or agreement that:
 - (i) UETN enters into with a provider and payment for services is directly appropriated by the Legislature, as funds are available, to UETN;
 - (ii) UETN enters into with a provider and pays for the provider's services and is reimbursed for payments by an LEA that benefits from the services;
 - (iii) UETN negotiates the terms of on behalf of an LEA that enters into the contract or agreement directly with the provider and the LEA pays directly for the provider's services; or
 - (iv) an LEA enters into directly, pays a provider, and receives preapproved reimbursement from a UETN fund established for this purpose.
 - (c) If an LEA does not reimburse UETN in a reasonable time for services received under a contract or agreement described in Subsection (18)(b), the board shall pay the balance due to UETN from the LEA's funds received under Title 53F, Chapter 2, State Funding -- Minimum School Program.
 - (d) If UETN negotiates or enters into an agreement as described in Subsection (18)(b)(ii) or (18)(b)(iii), and UETN enters into an additional agreement with an LEA that is associated with the agreement described in Subsection (18)(b)(ii) or (18)(b)(iii), the associated agreement may be treated by UETN and the LEA as a cooperative procurement, as that term is defined in Section 63G-6a-103, regardless of whether the associated agreement satisfies the requirements of Section 63G-6a-2105.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-511 Reimbursement Program for Early Graduation From Competency-Based Education.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Cohort" means a group of students, defined by the year in which the group enters grade 9.
 - (c) "Eligible LEA" means an LEA that has demonstrated to the board that the LEA or, for a school district, a school within the LEA, provides and facilitates competency-based education that:
 - (i) is based on the core principles described in Section 53F-5-502; and
 - (ii) meets other criteria established by the board in rule.
 - (d) "Eligible student" means an individual who:
 - (i) attended an eligible LEA and graduated by completing graduation requirements, as described in Section 53E-4-204, earlier than that individual's cohort completed graduation requirements because of the individual's participation in the eligible LEA's competency-based education;
 - (ii) no longer attends the eligible LEA; and
 - (iii) is not included in the LEA's average daily membership under this chapter.
 - (e) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (f) "Partial pupil" means if an eligible student attends less than a full year of membership, the number of days the student was in membership compared to a full membership year.
 - (g) "Program" means the Reimbursement Program for Early Graduation From Competency-Based Education established in this section.
- (2)
 - (a) There is established the Reimbursement Program for Early Graduation From Competency-Based Education.
 - (b) Subject to future budget constraints, the Legislature may annually appropriate money to the Reimbursement Program for Early Graduation From Competency-Based Education.
- (3) An LEA may apply to the board to receive a reimbursement, as described in Subsection (5), for an eligible student.
- (4) The board shall approve a reimbursement to an LEA after the LEA demonstrates:
 - (a) that the LEA is an eligible LEA; and
 - (b) that the individual for whom the eligible LEA requests reimbursement is an eligible student.
- (5)
 - (a) For each eligible student, the board shall only reimburse an eligible LEA:
 - (i) if the eligible student attended the eligible LEA for less than a full school year before the eligible student's cohort graduated, up to the value of one weighted pupil unit pro rated based on the difference between:
 - (A) the number of days of partial pupil in average daily membership earned by the eligible LEA while the eligible student was still in attendance; and
 - (B) a full pupil in average daily membership; and
 - (ii) the value of one weighted pupil unit for each full school year the eligible student graduated ahead of the eligible student's cohort.
 - (b) The board shall:

- (i) use data from the prior year average daily membership to determine the number of eligible students; and
 - (ii) reimburse the eligible LEA in the current school year.
- (6) The board shall in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules to administer the provisions of this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-512 Appropriation for accommodation plans for students with Section 504 accommodations.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (c) "Section 504 accommodation plan" means an accommodation plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.
- (2)
- (a) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish a reimbursement program that:
 - (i) distributes any money appropriated to the board for Special Education -- Section 504 Accommodations;
 - (ii) allows an LEA to apply for reimbursement of the costs of services that:
 - (A) an LEA renders to a student with a Section 504 accommodation plan; and
 - (B) exceed 150% of the average cost of a general education student; and
 - (iii) provides for a pro-rated reimbursement based on the amount of reimbursement applications received during a given fiscal year and the amount of money appropriated to the board that fiscal year.
 - (b) Beginning with the 2018-19 school year, the board shall allocate money appropriated to the board for Special Education -- Section 504 Accommodations in accordance with the rules described in Subsection (2)(a).
- (3) On or before January 30, 2018, the board shall report to the Public Education Appropriations Subcommittee:
- (a) information collected regarding the number of students who qualify for a Section 504 accommodation plan; and
 - (b) if available, the estimated financial impact of providing Section 504 accommodation services to the number of students described in Subsection (3)(a).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-513 Effective Teachers in High Poverty Schools Incentive Program -- Salary bonus -- Evaluation.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Cohort" means a group of students, defined by the year in which the group enters grade 1.
 - (c) "Eligible teacher" means a teacher who:

- (i) is employed as a teacher in a high poverty school at the time the teacher is considered by the board for a salary bonus; and
 - (ii) achieves a median growth percentile of 70 or higher:
 - (A) a full school year before the school year the eligible teacher is being considered by the board for a salary bonus under this section, regardless of whether the teacher was employed the previous school year by a high poverty school or a different public school; and
 - (B) while teaching at any public school in the state a course for which a standards assessment is administered as described in Section 53E-4-303.
 - (d) "High poverty school" means a public school:
 - (i) in which:
 - (A) more than 20% of the enrolled students are classified as children affected by intergenerational poverty; or
 - (B) 70% or more of the enrolled students qualify for free or reduced lunch; or
 - (ii)
 - (A) that has previously met the criteria described in Subsection (1)(d)(i)(A) and for each school year since meeting that criteria at least 15% of the enrolled students at the public school have been classified as children affected by intergenerational poverty; or
 - (B) that has previously met the criteria described in Subsection (1)(d)(i)(B) and for each school year since meeting that criteria at least 60% of the enrolled students at the public school have qualified for free or reduced lunch.
 - (e) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
 - (f) "Median growth percentile" means a number that describes the comparative effectiveness of a teacher in helping the teacher's students achieve growth in a year by identifying the median student growth percentile of all the students a teacher instructs.
 - (g) "Program" means the Effective Teachers in High Poverty Schools Incentive Program created in Subsection (2).
 - (h) "Student growth percentile" is a number that describes where a student ranks in comparison to the student's cohort.
- (2)
- (a) The Effective Teachers in High Poverty Schools Incentive Program is created to provide an annual salary bonus for an eligible teacher.
 - (b) The board shall, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules for:
 - (i) the administration of the program;
 - (ii) payment of a salary bonus; and
 - (iii) application requirements.
 - (c) The board shall make an annual salary bonus payment in a fiscal year that begins on July 1, 2017, and each fiscal year thereafter in which money is appropriated for the program.
- (3)
- (a) Subject to future budget constraints, the Legislature shall annually appropriate money to fund the program.
 - (b) Money appropriated for the program shall include money for the following employer-paid benefits:
 - (i) social security; and
 - (ii) Medicare.
- (4)
- (a)

- (i) A charter school or school district school shall annually apply to the board on behalf of an eligible teacher for an eligible teacher to receive an annual salary bonus each year that the teacher is an eligible teacher.
- (ii) A teacher need not be an eligible teacher in consecutive years to receive the increased annual salary bonus described in Subsection (4)(b).
- (b) The annual salary bonus for an eligible teacher is \$5,000.
- (c) A public school that applies on behalf of an eligible teacher under Subsection (4)(a)(i) shall pay half of the salary bonus described in Subsection (4)(b) each year the eligible teacher is awarded the salary bonus.
- (d) The board shall award a salary bonus to an eligible teacher based on the order that an application from a public school on behalf of the eligible teacher is received.
- (5) The board shall:
 - (a) determine if a teacher is an eligible teacher; and
 - (b) verify, as needed, the determinations made under Subsection (5)(a) with the school district and school district administrators.
- (6) The board shall:
 - (a) distribute money from the program to school districts and charter schools in accordance with this section and board rule; and
 - (b) include the employer-paid benefits described in Subsection (3)(b) in addition to the salary bonus amount described in Subsection (4)(b).
- (7) Money received from the program shall be used by a school district or charter school to provide an annual salary bonus equal to the amount specified in Subsection (4)(b) for each eligible teacher and to pay affiliated employer-paid benefits described in Subsection (3)(b).
- (8)
 - (a) After the third year salary bonus payments are made, and each succeeding year, the board shall evaluate the extent to which a salary bonus described in this section improves recruitment and retention of effective teachers in high poverty schools by at least:
 - (i) surveying teachers who receive the salary bonus; and
 - (ii) examining turnover rates of teachers who receive the salary bonus compared to teachers who do not receive the salary bonus.
 - (b) Each year that the board conducts an evaluation described in Subsection (8)(a), the board shall, in accordance with Section 68-3-14, submit a report on the results of the evaluation to the Education Interim Committee on or before November 30.
- (9) A public school shall annually notify a teacher:
 - (a) of the teacher's median growth percentile; and
 - (b) how the teacher's median growth percentile is calculated.
- (10) Notwithstanding this section, if the appropriation for the program is insufficient to cover the costs associated with salary bonuses, the board may limit or reduce a salary bonus.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-514 Job enhancements for mathematics, science, technology, and special education training.

- (1) As used in this section, "special education teacher" includes occupational therapist.
- (2) The Public Education Job Enhancement Program is established to attract, train, and retain highly qualified:
 - (a) secondary teachers with expertise in mathematics, physics, chemistry, physical science, learning technology, or information technology;

- (b) special education teachers; and
 - (c) teachers in grades four through six with mathematics endorsements.
- (3) The program shall provide for the following:
- (a) application by a school district superintendent or the principal of a school on behalf of a qualified teacher;
 - (b) an award of up to \$20,000 or a scholarship to cover the tuition costs for a master's degree, an endorsement, or graduate education in the areas identified in Subsection (2) to be given to selected public school teachers on a competitive basis:
 - (i) whose applications are approved; and
 - (ii) who teach in the state's public education system for four years in the areas identified in Subsection (2);
 - (c)
 - (i) as to the cash awards under Subsection (3)(b), payment of the award in two installments, with an initial payment of up to \$10,000 at the beginning of the term and up to \$10,000 at the conclusion of the term;
 - (ii) repayment of a portion of the initial payment by the teacher if the teacher fails to complete two years of the four-year teaching term in the areas identified in Subsection (2) as provided by rule of the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, unless waived for good cause by the State Board of Education; and
 - (iii) nonpayment of the second installment if the teacher fails to complete the four-year teaching term; and
 - (d)
 - (i) as to the scholarships awarded under Subsection (3)(b), provision for the providing institution to certify adequate performance in obtaining the master's degree, endorsement, or graduate education in order for the teacher to maintain the scholarship; and
 - (ii) repayment by the teacher of a prorated portion of the scholarship, if the teacher fails to complete the authorized classes or program or to teach in the state system of public education in the areas identified in Subsection (2) for four years after obtaining the master's degree, the endorsement, or graduate education.
- (4) An individual teaching in the public schools under a letter of authorization may participate in the cash award program if:
- (a) the individual has taught under the letter of authorization for at least one year in the areas referred to in Subsection (2); and
 - (b) the application made under Subsection (3)(a) is based in large part upon the individual receiving a superior evaluation as a classroom teacher.
- (5)
- (a) The program may provide for the expenditure of up to \$1,000,000 of available money, if at least an equal amount of matching money becomes available, to provide professional development training to superintendents, administrators, and principals in the effective use of technology in public schools.
 - (b) An award granted under this Subsection (5) shall be made in accordance with criteria developed and adopted by the State Board of Education and in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (c) An amount up to \$120,000 of the \$1,000,000 authorized in Subsection (5)(a) may be expended, regardless of the matching money being available.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-515 Federal Impact Aid Program -- Offset for underestimated allocations from the Federal Impact Aid Program.

- (1) In addition to the revenues received from the levy imposed by a local school board and authorized by the Legislature under Section 53F-2-301 or 53F-2-301.5, as applicable, the Legislature shall provide an amount equal to the difference between the school district's anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid Program and the amount the school district actually received from this source for the next preceding fiscal year.
- (2) If at the end of a fiscal year the sum of the receipts of a school district from a distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the school district from the Federal Impact Aid Program for the next preceding fiscal year, the excess funds are carried into the next succeeding fiscal year and become in that year a part of the school district's contribution to the school district's basic program for operation and maintenance under the state minimum school finance law.
- (3) During the next succeeding fiscal year described in Subsection (2), the school district's required tax rate for the basic program shall be reduced so that the yield from the reduced tax rate plus the carryover funds equal the school district's required contribution to the school district's basic program.
- (4) For the school district of a local school board that is required to reduce the school district's basic tax rate under this section, the school district shall receive state minimum school program funds as though the reduction in the tax rate had not been made.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-2-517 Quality Teaching Block Grant Program -- State contributions.

- (1) The State Board of Education shall distribute money appropriated for the Quality Teaching Block Grant Program to school districts and charter schools according to a formula adopted by the State Board of Education, after consultation with local education boards, that allocates the funding in a fair and equitable manner.
- (2) Local education boards shall use Quality Teaching Block Grant money to implement professional learning that meets the standards specified in Section 53G-11-303.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-518 Appropriation for retirement and social security.

- (1) The employee's retirement contribution shall be 1% for employees who are under the state's contributory retirement program.
- (2) The employer's contribution under the state's contributory retirement program is determined under Section 49-12-301, subject to the 1% contribution under Subsection (1).
- (3)
 - (a) The employer-employee contribution rate for employees who are under the state's noncontributory retirement program is determined under Section 49-13-301.
 - (b) The same contribution rate used under Subsection (3)(a) shall be used to calculate the appropriation for charter schools described under Subsection (5).
- (4)

- (a) Money appropriated to the State Board of Education for retirement and social security money shall be allocated to school districts and charter schools based on a school district's or charter school's total weighted pupil units compared to the total weighted pupil units for all school districts and charter schools in the state.
- (b) Subject to budget constraints, money needed to support retirement and social security shall be determined by taking a school district's or charter school's prior year allocation and adjusting it for:
 - (i) student growth;
 - (ii) the percentage increase in the value of the weighted pupil unit; and
 - (iii) the effect of any change in the rates for retirement, social security, or both.
- (5) A charter school governing board that makes an election of nonparticipation in the Utah State Retirement Systems in accordance with Section 53G-5-407 and Title 49, Utah State Retirement and Insurance Benefit Act, shall use the funds described under this section for retirement to provide the charter school's own compensation, benefit, and retirement programs.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-519 Appropriation for school nurses.

- (1) The State Board of Education shall distribute money appropriated for school nurses to award grants to school districts and charter schools that:
 - (a) provide an equal amount of matching funds; and
 - (b) do not supplant other money used for school nurses.
- (2)
 - (a) A school district or charter school that is awarded a grant under this section shall require each school nurse employed by the school district or charter school to complete two hours of continuing nurse education on the emotional and mental health of students.
 - (b) The continuing nurse education described in Subsection (2)(a) shall include training on:
 - (i) the awareness of, screening for, and triaging to appropriate treatment for mental health problems;
 - (ii) trauma-informed care;
 - (iii) signs of mental illness;
 - (iv) alcohol and substance abuse;
 - (v) response to acute mental health crises; and
 - (vi) suicide prevention, including information about the 24-hour availability of the School Safety and Crisis Line established under Section 53E-10-502.

Renumbered and Amended by Chapter 107, 2018 General Session
Amended by Chapter 396, 2018 General Session

Part 6
State Guarantee Funding

53F-2-601 State guaranteed local levy increments -- Appropriation to increase number of guaranteed local levy increments -- No effect of change of minimum basic tax rate -- Voted and board local levy funding balance -- Use of guaranteed local levy increment funds.

- (1) As used in this section:

- (a) "Board local levy" means a local levy described in Section 53F-8-302.
 - (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the state:
 - (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(B); or
 - (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(A).
 - (c) "Local levy increment" means .0001 per dollar of taxable value.
 - (d)
 - (i) "Voted and board local levy funding balance" means the difference between:
 - (A) the amount appropriated for the guaranteed local levy increments in a fiscal year; and
 - (B) the amount necessary to fund in the same fiscal year the guaranteed local levy increments as determined under this section.
 - (ii) "Voted and board local levy funding balance" does not include appropriations described in Subsection (2)(b)(i).
 - (e) "Voted local levy" means a local levy described in Section 53F-8-301.
- (2)
- (a)
 - (i) In addition to the revenue collected from the imposition of a voted local levy or a board local levy, the state shall guarantee that a school district receives, subject to Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil unit.
 - (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments that are subject to the guarantee amount described in Subsection (2)(a)(i) are:
 - (A) for a board local levy, the first four local levy increments a local school board imposes under the board local levy; and
 - (B) for a voted local levy, the first 16 local levy increments a local school board imposes under the voted local levy.
 - (b)
 - (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall annually appropriate money from the Local Levy Growth Account established in Section 53F-9-305 for purposes described in Subsection (2)(b)(ii).
 - (ii) The State Board of Education shall, for a fiscal year beginning on or after July 1, 2018, and subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) in the following order of priority by increasing:
 - (A) by up to four increments the number of voted local levy guaranteed local levy increments above 16;
 - (B) by up to 16 increments the number of board local levy guaranteed local levy increments above four; and
 - (C) the guaranteed amount described in Subsection (2)(a)(i).
 - (c) The number of guaranteed local levy increments under this Subsection (2) for a school district may not exceed 20 guaranteed local levy increments, regardless of whether the guaranteed local levy increments are from the imposition of a voted local levy, a board local levy, or a combination of the two.
- (3)
- (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value of the weighted pupil unit by making the value of the guarantee equal to .011962 times the value of the prior year's weighted pupil unit.
 - (b) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil unit for each year subject to the Legislature appropriating funds for an increase in the guarantee.
- (4)

- (a) The amount of state guarantee money that a school district would otherwise be entitled to receive under this section may not be reduced for the sole reason that the school district's board local levy or voted local levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 pursuant to changes in property valuation.
- (b) Subsection (4)(a) applies for a period of five years following a change in the certified tax rate as described in Subsection (4)(a).
- (5) The guarantee provided under this section does not apply to the portion of a voted local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal year, unless an increase in the voted local levy rate was authorized in an election conducted on or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.
- (6)
 - (a) If a voted and board local levy funding balance exists for the prior fiscal year, the State Board of Education shall:
 - (i) use the voted and board local levy funding balance to increase the value of the state guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and
 - (ii) distribute guaranteed local levy increment funds to school districts based on the increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).
 - (b) The State Board of Education shall report action taken under Subsection (6)(a) to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.
- (7) A local school board of a school district that receives funds described in this section shall budget and expend the funds for public education purposes.

Enacted by Chapter 2, 2018 General Session

Part 7

Charter School Funding

53F-2-701 Definitions.

The terms defined in Section 53G-5-102 apply to this part.

Enacted by Chapter 2, 2018 General Session

53F-2-702 Funding for charter schools.

- (1) Except as described in Section 53F-2-302, a charter school shall receive state funds, as applicable, on the same basis as a school district receives funds.
- (2)
 - (a) As described in Section 53F-2-703, the State Board of Education shall distribute charter school levy per pupil revenues to charter schools.
 - (b) As described in Section 53F-2-704, and subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection (2)(a).
- (3) Charter schools are eligible to receive federal funds if they meet all applicable federal requirements and comply with relevant federal regulations.

- (4) The State Board of Education shall distribute funds for charter school students directly to the charter school.
- (5)
 - (a) Notwithstanding Subsection (1), a charter school is not eligible to receive state transportation funding.
 - (b) The board shall also adopt rules relating to the transportation of students to and from charter schools, taking into account Sections 53F-2-403 and 53G-6-405.
 - (c) The governing board of the charter school may provide transportation through an agreement or contract with the local school board, a private provider, or parents.
- (6)
 - (a)
 - (i) In accordance with Section 53F-2-705, the State Charter School Board may allocate grants for start-up costs to charter schools from money appropriated for charter school start-up costs.
 - (ii) The governing board of a charter school that receives money from a grant under Section 53F-2-705 shall use the grant for expenses for planning and implementation of the charter school.
 - (b) The State Board of Education shall coordinate the distribution of federal money appropriated to help fund costs for establishing and maintaining charter schools within the state.
- (7)
 - (a) A charter school may receive, hold, manage and use any devise, bequest, grant, endowment, gift, or donation of any property made to the school for any of the purposes of Title 53G, Chapter 5, Charter Schools, or related provisions .
 - (b) It is unlawful for any person affiliated with a charter school to demand or request any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated with the charter school as a condition for employment or enrollment at the school or continued attendance at the school.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 383, 2018 General Session

53F-2-703 Charter school levy.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Charter School Levy Account" means the Charter School Levy Account created in Section 53F-9-301.
 - (c) "Charter school levy per district revenues" means the product of:
 - (i) a school district's district per pupil local revenues; and
 - (ii) the number of charter school students in the school district who are resident students.
 - (d) "Charter school levy per pupil revenues" means an amount equal to the following:
 - (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary as described in Subsection (4); divided by
 - (ii) the number of students enrolled in a charter school on October 1 of the prior school year.
 - (e) "Charter school levy revenues" means the charter school levy revenues generated by a charter school levy rate described in Subsection (2)(b)(i).
 - (f) "Charter school levy total local revenues" means the sum of charter school levy per district revenues for every school district in the state for the same given fiscal year.

- (g) "District per pupil local revenues" means the same as that term is defined in Section 53F-2-704.
- (h) "Resident student" means the same as that term is defined in Section 53F-2-704.
- (2)
 - (a) Beginning with the taxable year beginning on January 1, 2017, the state shall annually impose a charter school levy as described in this Subsection (2).
 - (b)
 - (i) For each school district, before June 22, the State Tax Commission shall certify a rate for the charter school levy described in Subsection (2)(a) to generate an amount of revenue within a school district equal to 25% of the charter school levy per district revenues excluding the amount of revenues:
 - (A) described in Subsection 53F-2-704(1)(c)(iv); and
 - (B) expended by the school district for recreational facilities and activities authorized under Title 11, Chapter 2, Playgrounds.
 - (ii) To calculate a charter school levy rate for a school district, the State Tax Commission shall use the calculation method described in Subsection 59-2-924(4).
 - (c) The charter school levy shall be separately stated on a tax notice.
- (3)
 - (a) A county treasurer shall collect the charter school levy revenues for all school districts located within the county treasurer's county and remit the money monthly to the state treasurer.
 - (b) The state treasurer shall deposit the charter school levy revenues received from a county treasurer into the Charter School Levy Account.
- (4)
 - (a) For each charter school student, the board shall distribute the charter school per pupil levy revenues from the Charter School Levy Account to the student's charter school in accordance with this Subsection (4).
 - (b) For a given fiscal year, if the actual charter school levy total local revenues are more than the estimated charter school levy total local revenues the board shall:
 - (i) deduct the amount of revenue that exceeds the estimated charter school levy total local revenues from the actual charter school levy total local revenues; and
 - (ii) use the remaining amount to calculate the charter school per pupil levy revenues.
 - (c) For a given fiscal year, if the actual charter school total local revenues are less than the estimated charter school levy total local revenues, the board shall:
 - (i) if sufficient funds are available in the Charter School Levy Account, add an amount of funds from the Charter School Levy Account to the charter school levy total local revenues to equal the estimated charter school levy total local revenues; and
 - (ii) if sufficient funds are not available in the Charter School Levy Account, calculate the charter school per pupil levy revenues using the actual amount of the charter school levy total local revenues.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-2-704 Charter school levy state guarantee.

- (1) As used in this section:
 - (a) "Charter school levy per pupil revenues" means the same as that term is defined in Section 53F-2-703.
 - (b) "Charter school students' average local revenues" means the amount determined as follows:

- (i) for each student enrolled in a charter school on the previous October 1, calculate the district per pupil local revenues of the school district in which the student resides;
 - (ii) sum the district per pupil local revenues for each student enrolled in a charter school on the previous October 1; and
 - (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students enrolled in charter schools on the previous October 1.
- (c) "District local property tax revenues" means the sum of a school district's revenue received from the following:
 - (i) a voted local levy imposed under Section 53F-8-301;
 - (ii) a board local levy imposed under Section 53F-8-302, excluding revenues expended for:
 - (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of taxable value of the school district's board local levy; and
 - (B) the Early Literacy Program described in Section 53F-2-503, up to the amount of revenue generated by a .000121 per dollar of taxable value of the school district's board local levy;
 - (iii) a capital local levy imposed under Section 53F-8-303; and
 - (iv) a guarantee described in Section 53F-2-601, 53F-3-202, or 53F-3-203.
- (d) "District per pupil local revenues" means, using data from the most recently published school district annual financial reports and state superintendent's annual report, an amount equal to district local property tax revenues divided by the sum of:
 - (i) a school district's average daily membership; and
 - (ii) the average daily membership of a school district's resident students who attend charter schools.
- (e) "Resident student" means a student who is considered a resident of the school district under Title 53G, Chapter 6, Part 3, School District Residency.
- (f) "Statewide average debt service revenues" means the amount determined as follows, using data from the most recently published state superintendent's annual report:
 - (i) sum the revenues of each school district from the debt service levy imposed under Section 11-14-310; and
 - (ii) divide the sum calculated under Subsection (1)(f)(i) by statewide school district average daily membership.
- (2)
 - (a) Subject to future budget constraints, the Legislature shall provide an appropriation for charter schools for each charter school student enrolled on October 1 to supplement the allocation of charter school levy per pupil revenues described in Subsection 53F-2-702(2)(a).
 - (b) Except as provided in Subsection (2)(c), the amount of money provided by the state for a charter school student shall be the sum of:
 - (i) charter school students' average local revenues minus the charter school levy per pupil revenues; and
 - (ii) statewide average debt service revenues.
 - (c) If the total of charter school levy per pupil revenues distributed by the State Board of Education and the amount provided by the state under Subsection (2)(b) is less than \$1,427, the state shall provide an additional supplement so that a charter school receives at least \$1,427 per student under Subsection 53F-2-702(2).
 - (d)
 - (i) If the legislative appropriation described in Subsection (2)(a) is insufficient to provide an amount described in Subsection (2)(b) for each charter school student, the State Board of Education shall make an adjustment to Minimum School Program allocations as described in Section 53F-2-205.

- (ii) Following an adjustment described in Subsection (2)(d)(i), if legislative appropriations remain insufficient to provide an amount described in Subsection (2)(b) for each student enrolled in a charter school, the State Board of Education shall:
 - (A) distribute to a charter school an amount described in Subsection (2)(b) for each student enrolled in the charter school under or equal to the maximum number of students the charter school serves, as described in the charter school's charter school agreement described in Section 53G-5-303; and
 - (B) distribute money remaining after the distributions described in Subsection (2)(d)(ii)(A) to a charter school based on the charter school's share of all students enrolled in charter schools who exceed the number of maximum students served by charter schools, as described in charter school agreements entered into under Section 53G-5-303.
- (3)
 - (a) Except as provided in Subsection (3)(b), of the money provided to a charter school under Subsection 53F-2-702(2), 10% shall be expended for funding school facilities only.
 - (b) Subsection (3)(a) does not apply to an online charter school.

Enacted by Chapter 2, 2018 General Session

Amended by Chapter 211, 2018 General Session

Amended by Chapter 300, 2018 General Session

Amended by Chapter 383, 2018 General Session

Amended by Chapter 456, 2018 General Session

53F-2-705 Grants for charter school start-up costs.

- (1)
 - (a) The State Charter School Board shall use money appropriated for charter school start-up costs to provide grants to charter schools to pay for expenses for the planning and implementation of a charter school.
 - (b) The State Charter School Board:
 - (i) may use up to 8% of the money appropriated for charter school start-up costs for financial monitoring of new charter schools and to provide professional development or technical assistance for governing board members and staff of new charter schools; and
 - (ii) in accordance with rules adopted by the State Board of Education, may use up to \$200,000 of the money appropriated for charter school start-up costs for a mentoring program for new and existing charter schools.
- (2) The amount of a grant for charter school start-up costs shall be based on the authorized enrollment of the charter school.
- (3) The State Board of Education shall make rules consistent with this section specifying:
 - (a) procedures for applying for and awarding grants for charter school start-up costs;
 - (b) permitted uses of grant money; and
 - (c) requirements for a charter school to submit the following to the State Charter School Board:
 - (i) a budget for the grant money; and
 - (ii) a final report on the expenditure of the grant money.
- (4) The State Board of Education shall make rules establishing a mentoring program for new and existing charter schools.

Renumbered and Amended by Chapter 2, 2018 General Session

Chapter 3 State Funding -- Capital Outlay Programs

Part 1 General Provisions

53F-3-101 Title.

This chapter is known as "State Funding -- Capital Outlay Programs."

Enacted by Chapter 2, 2018 General Session

53F-3-102 Definitions.

As used in this chapter:

- (1) "ADM" or "pupil in average daily membership" is as defined in Section 53F-2-102.
- (2) "Base tax effort rate" means the average of:
 - (a) the highest combined capital levy rate; and
 - (b) the average combined capital levy rate for the school districts statewide.
- (3) "Combined capital levy rate" means a rate that includes the sum of the following property tax levies:
 - (a)
 - (i) the debt service levy authorized in Section 11-14-310; and
 - (ii) the voted capital outlay leeway authorized in Section 53F-8-402; or
 - (b)
 - (i) the capital local levy authorized in Section 53F-8-303; and
 - (ii) the debt service levy authorized in Section 11-14-310.
- (4) "Derived net taxable value" means the quotient of:
 - (a) the total property tax collections from April 1 through the following March 31 for a school district for the calendar year preceding the March 31 date; divided by
 - (b) the school district's total tax rate for the calendar year preceding the March 31 referenced in Subsection (4)(a).
- (5) "Highest combined capital levy rate" means the highest combined capital levy rate imposed by a school district within the state for a fiscal year.
- (6) "Property tax base per ADM" means the quotient of:
 - (a) a school district's derived net taxable value; divided by
 - (b) the school district's ADM.
- (7) "Property tax yield per ADM" means:
 - (a) the product of:
 - (i) a school district's derived net taxable value; and
 - (ii) the base tax effort rate; divided by
 - (b) the school district's ADM.
- (8) "Statewide average property tax base per ADM" means the quotient of:
 - (a) the sum of all school districts' derived net taxable value; divided by
 - (b) the sum of all school districts' ADM.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 456, 2018 General Session

Part 2

Capital Outlay Programs

53F-3-201 Capital outlay programs -- Use of funds.

A school district may only use the money provided under this chapter for school district capital outlay and debt service purposes.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-3-202 Capital Outlay Foundation Program created -- Distribution formulas -- Allocations.

(1) As used in this section:

- (a) "Foundation guarantee level per ADM" means a minimum revenue amount per ADM generated by the base tax effort rate, including the following:
 - (i) the revenue generated locally from a school district's combined capital levy rate; and
 - (ii) the revenue allocated to a school district by the State Board of Education in accordance with Section 53F-3-202.
- (b) "Qualifying school district" means a school district with a property tax yield per ADM less than the foundation guarantee level per ADM.
- (c) "Small school district" means a school district that has fewer than 1,000 pupils in average daily membership.

(2) There is created the Capital Outlay Foundation Program to provide capital outlay funding to a school district based on a district's local property tax effort and property tax yield per student compared to a foundation guarantee funding level.

(3)

- (a) The State Board of Education shall determine the foundation guarantee level per ADM that fully allocates the funds appropriated to the State Board of Education for distribution under this section.
- (b) In determining the foundation guarantee level per ADM and a school district's allocation of funds under this section, the State Board of Education shall use data from the fiscal year that is two years prior to the fiscal year the school district receives the allocation, including the:
 - (i) number of pupils in average daily membership;
 - (ii) tax rates; and
 - (iii) derived net taxable value.

(4) By June 1, a county treasurer shall report to the State Board of Education the actual collections of property taxes in the school districts located within the county treasurer's county for the period beginning April 1 through the following March 31 immediately preceding that June 1.

(5) If a qualifying school district imposes a combined capital levy rate that is greater than or equal to the base tax effort rate, the State Board of Education shall allocate to the qualifying school district an amount equal to the product of the following:

- (a) the qualifying school district's ADM; and
- (b) an amount equal to the difference between the following:
 - (i) the foundation guarantee level per ADM, as determined in accordance with Subsection (3); and
 - (ii) the qualifying school district's property tax yield per ADM.

- (6) If a qualifying school district imposes a combined capital levy rate less than the base tax effort rate, the State Board of Education shall allocate to the qualifying school district an amount equal to the product of the following:
 - (a) the qualifying school district's ADM;
 - (b) an amount equal to the difference between the following:
 - (i) the foundation guarantee level per ADM; and
 - (ii) the qualifying school district's property tax yield per ADM; and
 - (c) a percentage equal to:
 - (i) the qualifying school district's combined capital levy rate; divided by
 - (ii) the base tax effort rate.
- (7)
 - (a) The State Board of Education shall allocate:
 - (i) a minimum of \$200,000 to each small school district with a property tax base per ADM less than or equal to the statewide average property tax base per ADM;
 - (ii) a minimum of \$100,000 to each small school district with a property tax base per ADM that is:
 - (A) greater than the statewide average property tax base per ADM; and
 - (B) less than or equal to two times the statewide average property tax base per ADM; and
 - (iii) a minimum of \$50,000 to each small school district with a property tax base per ADM that is:
 - (A) greater than two times the statewide average property tax base per ADM; and
 - (B) less than or equal to five times the statewide average property tax base per ADM.
 - (b) The State Board of Education shall incorporate the minimum allocations described in Subsection (7)(a) in its calculation of the foundation guarantee level per ADM determined in accordance with Subsection (3).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-3-203 Capital Outlay Enrollment Growth Program created -- Distribution formulas -- Allocations.

- (1) As used in this section:
 - (a) "Average annual net enrollment increase" means the quotient of:
 - (i)
 - (A) enrollment in the prior fiscal year, based on October 1 enrollment counts; minus
 - (B) enrollment in the year four years prior, based on October 1 enrollment counts; divided by
 - (ii) three.
 - (b) "Eligible district" or "eligible school district" means a school district that:
 - (i) has an average annual net enrollment increase; and
 - (ii) has a property tax base per ADM in the year two years prior that is less than two times the statewide average property tax base per ADM in the year two years prior.
- (2) There is created the Capital Outlay Enrollment Growth Program to provide capital outlay funding to school districts experiencing net enrollment increases.
- (3) For fiscal years beginning on or after July 1, 2008, the State Board of Education shall annually allocate appropriated funds to eligible school districts in accordance with Subsection (4).
- (4) The State Board of Education shall allocate to an eligible school district an amount equal to the product of:
 - (a) the quotient of:
 - (i) the eligible school district's average annual net enrollment increase; divided by

- (ii) the sum of the average annual net enrollment increase in all eligible school districts; and
- (b) the total amount appropriated for the Capital Outlay Enrollment Growth Program in that fiscal year.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-3-204 School Building Revolving Account.

The School Building Revolving Account is created as described in Section 53F-9-206, to provide short-term help to school districts to meet district needs for school building construction and renovation.

Enacted by Chapter 2, 2018 General Session

Chapter 4
State Funding -- Contracted Initiatives

Part 1
General Provisions

53F-4-101 Title.

This chapter is known as "State Funding -- Contracted Initiatives."

Enacted by Chapter 2, 2018 General Session

53F-4-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

Part 2
Contracts

53F-4-201 State Board of Education required to contract for a diagnostic assessment system for reading.

- (1)
 - (a) As described in Section 53E-4-307, the State Board of Education shall approve a benchmark assessment for use statewide by school districts and charter schools.
 - (b) The State Board of Education shall contract with one or more educational technology providers, selected through a request for proposals process, for a diagnostic assessment system for reading for students in kindergarten through grade three that meets the requirements of this section.
- (2) Subject to legislative appropriations, a diagnostic assessment system for reading shall be made available to school districts and charter schools that apply to use a diagnostic assessment for reading beginning in the 2011-12 school year.

- (3) A diagnostic assessment system for reading for students in kindergarten through grade three shall:
- (a) be in a digital format;
 - (b) include benchmark assessments of reading proficiency to be administered at the beginning, in the middle, and at the end of kindergarten, grade one, grade two, and grade three;
 - (c) include formative assessments to be administered every two to four weeks for students who are at high risk of not attaining proficiency in reading;
 - (d) align with the language arts core standards for Utah public schools adopted by the State Board of Education; and
 - (e) include a data analysis component hosted by the provider that:
 - (i) has the capacity to generate electronic information immediately and produce individualized student progress reports, class summaries, and class groupings for instruction;
 - (ii) may have the capability of identifying lesson plans that may be used to develop reading skills;
 - (iii) enables teachers, administrators, and designated supervisors to access reports through a secured password system;
 - (iv) produces electronic printable reports for parents and administrators; and
 - (v) has the capability for principals to monitor usage by teachers.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-202 College readiness diagnostic tool.

- (1) The board shall contract with a provider, selected through a request for proposals process, to provide an online college readiness diagnostic tool that is aligned with the college readiness assessment described in Section 53E-4-305.
- (2) An online test preparation program described in Subsection (1):
- (a)
 - (i) shall allow a student to independently access online materials and learn at the student's own pace; and
 - (ii) may be used to provide classroom and teacher-assisted instruction;
 - (b) shall provide online study materials, diagnostic exams, drills, and practice tests in an approach that is engaging to high school students;
 - (c) shall enable electronic reporting of student progress to administrators, teachers, parents, and other facilitators;
 - (d) shall record a student's progress in an online dashboard that provides diagnostic assessment of the content areas tested and identifies mastery of corresponding skill sets; and
 - (e) shall provide training and professional development to personnel in school districts and charter schools on how to utilize the online test preparation program and provide teacher-assisted instruction to students.
- (3) The board, school districts, and charter schools shall make the online test preparation program available to a student:
- (a) beginning in the 2013-14 school year; and
 - (b) for at least one full year.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-203 Early intervention interactive reading software -- Independent evaluator.

- (1)

- (a) Subject to legislative appropriations, the State Board of Education shall select and contract with one or more technology providers, through a request for proposals process, to provide early interactive reading software for literacy instruction and assessments for students in kindergarten through grade 3.
- (b) By August 1 of each year, the State Board of Education shall distribute licenses for early interactive reading software described in Subsection (1)(a) to the school districts and charter schools of local education boards that apply for the licenses.
- (c) Except as provided in board rule, a school district or charter school that received a license described in Subsection (1)(b) during the prior year shall be given first priority to receive an equivalent license during the current year.
- (d) Licenses distributed to school districts and charter schools in addition to the licenses described in Subsection (1)(c) shall be distributed through a competitive process.
- (2) A public school that receives a license described in Subsection (1)(b) shall use the license:
 - (a) for a student in kindergarten or grade 1:
 - (i) for intervention for the student if the student is reading below grade level; or
 - (ii) for advancement beyond grade level for the student if the student is reading at or above grade level; and
 - (b) for a student in grade 2 or 3, for intervention for the student if the student is reading below grade level.
- (3)
 - (a) On or before August 1 of each year, the State Board of Education shall select and contract with an independent evaluator, through a request for proposals process, to act as an independent contractor to evaluate early interactive reading software provided under this section.
 - (b) The State Board of Education shall ensure that a contract with an independent evaluator requires the independent evaluator to:
 - (i) evaluate a student's learning gains as a result of using early interactive reading software provided under Subsection (1);
 - (ii) for the evaluation under Subsection (3)(b)(i), use an assessment that is not developed by a provider of early interactive reading software; and
 - (iii) determine the extent to which a public school uses the early interactive reading software.
 - (c) The State Board of Education and the independent evaluator selected under Subsection (3)
 - (a) shall report annually on the results of the evaluation to the Education Interim Committee and the governor.
- (4) The State Board of Education may use up to 4% of the appropriation provided under Subsection (1)(a) to:
 - (a) acquire an analytical software program that:
 - (i) monitors, for an individual school, early intervention interactive reading software use and the associated impact on student performance; and
 - (ii) analyzes the information gathered under Subsection (4)(a)(i) to prescribe individual school usage time to maximize the beneficial impact on student performance; or
 - (b) contract with an independent evaluator selected under Subsection (3)(a).

Enacted by Chapter 2, 2018 General Session

53F-4-204 Student intervention early warning pilot program.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.

- (b) "Digital program" means a program that provides information for student early intervention as described in this section.
 - (c) "Local education agency" or "LEA" means:
 - (i) a district school;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
 - (d) "Online data reporting tool" means a system described in Section 53E-4-311.
- (2)
- (a) The board shall, subject to legislative appropriations:
 - (i) enhance the online data reporting tool and provide additional formative actionable data on student outcomes subject to Subsection (2)(c); and
 - (ii) select through a competitive contract process a provider to provide to an LEA a digital program as described in this section.
 - (b) The contract described in Subsection (2)(a)(ii) shall be for a two-year pilot program.
 - (c) Information collected or used by the board for purposes of enhancing the online data reporting tool in accordance with this section may not identify a student individually.
- (3) The enhancement to the online data reporting tool and the digital program shall:
- (a) be designed with a user-appropriate interface for use by teachers, school administrators, and parents;
 - (b) provide reports on a student's results at the student level on:
 - (i) a national assessment;
 - (ii) a local assessment; and
 - (iii) a standards assessment described in Section 53E-4-303;
 - (c) have the ability to provide data from aggregate student reports based on a student's:
 - (i) teacher;
 - (ii) school;
 - (iii) school district, if applicable; or
 - (iv) ethnicity;
 - (d) provide a viewer with the ability to view the data described in Subsection (2)(c) on a single computer screen;
 - (e) have the ability to compare the performance of students, for each teacher, based on a student's:
 - (i) gender;
 - (ii) special needs, including primary exceptionality;
 - (iii) English proficiency;
 - (iv) economic status;
 - (v) migrant status;
 - (vi) ethnicity;
 - (vii) response to tiered intervention;
 - (viii) response to tiered-intervention enrollment date;
 - (ix) absence rate;
 - (x) feeder school;
 - (xi) type of school, including primary or secondary, public or private, Title I, or other general school-type category;
 - (xii) course failures; and
 - (xiii) other criteria, as determined by the board; and
 - (f) have the ability to load data from a local, national, or other assessment in the data's original format within a reasonable time.

- (4) Subject to legislative appropriations, the online data reporting tool and digital program shall:
 - (a) integrate criteria for early warning indicators, including the following criteria:
 - (i) discipline;
 - (ii) attendance;
 - (iii) behavior;
 - (iv) course failures; and
 - (v) other criteria as determined by a local school board or charter school governing board; and
 - (b) provide a teacher or administrator the ability to view the early warning indicators described in Subsection (4)(a) with a student's assessment results described in Subsection (3)(b).
- (5) Subject to legislative appropriations, the online data reporting tool and the digital program shall:
 - (a) provide data on response to intervention using existing assessments or measures that are manually added, including assessment and nonacademic measures;
 - (b) provide a user the ability to share interventions within a reporting environment and add comments to inform other teachers, administrators, and parents or guardians;
 - (c) save and share reports among different teachers and school administrators, subject to the student population information a teacher or administrator has the rights to access;
 - (d) automatically flag a student profile when early warning thresholds are met so that a teacher can easily identify a student who may be in need of intervention;
 - (e) incorporate a variety of algorithms to support student learning outcomes and provide student growth reporting by teacher;
 - (f) integrate response to intervention tiers and activities as filters for the reporting of individual student data and aggregated data, including by ethnicity, school, or teacher;
 - (g) have the ability to generate student parent or guardian communication to alert the parent or guardian of academic plans or interventions; and
 - (h) configure alerts based upon student academic results, including a student's performance on the previous year standards assessment described in Section 53E-4-303.
- (6)
 - (a) The board shall, subject to legislative appropriations, select an LEA to receive access to a digital program through a provider described in Subsection (2)(a)(ii).
 - (b) An LEA that receives access to a digital program shall pay for 50% of the cost of the digital program.
 - (c) An LEA that receives access to a digital program shall no later than one school year after accessing a digital program report to the board in a format required by the board on the effectiveness of the digital program, positive and negative attributes of the digital program, recommendations for improving the online data reporting tool, and any other information regarding a digital program requested by the board.
 - (d) The board shall consider recommendations from an LEA for changes to the online data reporting tool.
- (7) Information described in this section shall be used in accordance with and provided subject to:
 - (a) Title 53E, Chapter 9, Student Privacy and Data Protection; and
 - (b) Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-205 Kindergarten supplemental enrichment program.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Eligible school" means a charter or school district school in which:

- (i) at least 10% of the students experience intergenerational poverty; or
- (ii) 50% of students were eligible to receive free or reduced lunch in the previous school year.
- (c) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
- (d) "Kindergarten supplemental enrichment program" means a program to improve the academic competency of kindergarten students that:
 - (i) meets the criteria described in Subsection (4);
 - (ii) receives funding from a grant program described in Subsection (3); and
 - (iii) is administered by an eligible school.
- (2)
 - (a) In accordance with this section, the board shall distribute funds appropriated under this section to support kindergarten supplemental enrichment programs, giving priority first to awarding funds to an eligible school with at least 10% of the students experiencing intergenerational poverty and second priority to an eligible school in which 50% of students were eligible to receive free or reduced lunch in the previous school year.
 - (b) The board shall develop kindergarten entry and exit assessments for use by a kindergarten supplemental enrichment program.
- (3)
 - (a) The board shall administer a qualifying grant program as described in this Subsection (3) to distribute funds described in Subsection (2)(a) to an eligible school:
 - (i) that applies for a grant;
 - (ii) that offers a kindergarten supplemental enrichment program that meets the requirements described in Subsection (4);
 - (iii) that has an overall need for a kindergarten supplemental enrichment program, based on the results of the eligible school's kindergarten entry and exit assessments described in Subsection (4)(b)(ii);
 - (iv) if the eligible school has previously established a kindergarten supplemental enrichment program under this section, that shows success of the eligible school's kindergarten supplemental enrichment program, based on the results of the eligible school's kindergarten entry and exit assessments described in Subsection (4)(b)(ii); and
 - (v) that proposes a kindergarten supplemental enrichment program that addresses the particular needs of students at risk of experiencing intergenerational poverty.
 - (b) An eligible school shall include in a grant application a letter from the principal of the eligible school certifying that the eligible school's proposed kindergarten supplemental enrichment program will meet the needs of either children in intergenerational poverty or children who are eligible to receive free or reduced lunch as appropriate for the eligible school.
- (4) An eligible school that receives a grant as described in Subsection (3) shall:
 - (a) use the grant money to offer a kindergarten supplemental enrichment program to:
 - (i) target kindergarten students at risk for not meeting grade 3 core standards for Utah public schools, established by the board under Section 53E-4-202, by the end of each student's grade 3 year;
 - (ii) use an evidence-based early intervention model;
 - (iii) focus on academically improving age-appropriate literacy and numeracy skills;
 - (iv) emphasize the use of live instruction;
 - (v) administer the kindergarten entry and exit assessments described in Subsection (2)(b); and
 - (vi) deliver the kindergarten supplemental enrichment program through additional hours or other means; and
 - (b) report to the board annually regarding:
 - (i) how the eligible school used grant money received under Subsection (3);

- (ii) the results of the eligible school's kindergarten entry and exit assessments for the prior year;
 - (iii) with assistance from board employees, the number of students served, including the number of students who are eligible for free or reduced lunch; and
 - (iv) with assistance from board employees, student performance outcomes achieved by the eligible school's kindergarten supplemental enrichment program, disaggregated by economic and ethnic subgroups.
- (5) An eligible school that receives a grant as described in Subsection (3) may not receive funds appropriated under Section 53F-2-507.
- (6) A parent or legal guardian may decline participation of the parent or legal guardian's kindergarten student in an eligible school's kindergarten supplemental enrichment program.
- (7) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to establish reporting procedures and administer this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-206 Computer program for students with autism and other special needs.

- (1) As used in this section, "board" means the State Board of Education.
- (2) To improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2, the board shall contract with a provider, selected through a request for proposals process, to provide computer software programs and activity manuals.
- (3) In evaluating proposals submitted under Subsection (2), the board shall:
- (a) ensure that the board's evaluation criteria weighs heavily the proposer's ability and experience to provide computer software programs and activity manuals to improve social skills and student achievement for students with autism and other special needs in pre-school through grade 2;
 - (b) consider, in evaluating the proposer's ability and experience, any quantitative and evaluative results from field testing, state tests, and other standardized achievement tests;
 - (c) ensure that the board's evaluation criteria weighs heavily the proposer's ability to:
 - (i) collect data from each computer using the computer software, regardless of where the computer is located;
 - (ii) provide students access to the proposer's program from any computer with internet access;
 - (iii) enable reporting of student progress to administrators, teachers, parents, and other facilitators; and
 - (iv) record a student's progress in the computer software; and
 - (d) consider the extent to which the computer software program uses engaging animation to teach students.
- (4) The board shall provide the computer software programs and activity manuals procured under this section to school districts and charter schools that demonstrate a commitment by the school principal and staff to implement the computer software programs and activity manuals as prescribed by the provider.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 3
Carson Smith Scholarship Program

53F-4-301 Definitions.

As used in this part:

- (1) "Assessment team" means a team consisting of:
 - (a) the student's parent or guardian;
 - (b) the student's private school classroom teacher;
 - (c) special education personnel from the student's school district; and
 - (d) if available, special education personnel from the private school at which the student is enrolled.
- (2) "Board" means the State Board of Education.
- (3) "Eligible private school" means a private school that meets the requirements of Section 53F-4-303.
- (4) "Individualized Education Program" or "IEP" means a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (5) "Local Education Agency" or "LEA" means:
 - (a) a school district; or
 - (b) a charter school.
- (6) "Preschool" means an education program for a student who:
 - (a) is age three, four, or five; and
 - (b) has not entered kindergarten.
- (7) "Scholarship student" means a student who receives a scholarship under this part.
- (8) "Value of the weighted pupil unit" means the amount established each year in statute that is multiplied by the number of weighted pupil units to yield the funding level for the basic state-supported school program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-301.5 Findings and purpose.

The Legislature finds that:

- (1) the state system of public education as established and maintained under the state constitution shall be open to all children of the state;
- (2) students with disabilities have special needs that merit educational alternatives which will allow students to learn in an appropriate setting and manner;
- (3) those needs may include teachers trained in special teaching methods, small class sizes, and special materials, equipment, and classroom environments;
- (4) parents are best equipped to make decisions for their children, including the educational setting that will best serve the interests and educational needs of their children;
- (5) the establishment of this scholarship program is justified on the basis of funding the special needs of students with disabilities as with other programs similarly funded by the state for people with disabilities;
- (6) children, parents, and families are the primary beneficiaries of the scholarship program authorized in this part and any benefit to private schools, sectarian or otherwise, is purely incidental;
- (7) the scholarship program authorized in this part is:
 - (a) enacted for the valid secular purpose of tailoring a student's education to that student's specific needs;
 - (b) neutral with respect to religion;

- (c) provides limited assistance to citizens who are then able to direct their resources to religious and secular schools solely as a result of their genuine and independent private choices; and
- (d) in accordance with the best interests of the taxpayers and citizens of the state to encourage educational opportunities; and
- (8) nothing in this part shall be construed as a basis for granting vouchers or tuition tax credits for any other students, with or without disabilities.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-302 Scholarship program created -- Qualifications.

- (1) The Carson Smith Scholarship Program is created to award scholarships to students with disabilities to attend a private school.
- (2) To qualify for a scholarship:
 - (a) the student's custodial parent or legal guardian shall reside within Utah;
 - (b) the student shall have one or more of the following disabilities:
 - (i) an intellectual disability;
 - (ii) deafness or being hard of hearing;
 - (iii) a speech or language impairment;
 - (iv) a visual impairment;
 - (v) a serious emotional disturbance;
 - (vi) an orthopedic impairment;
 - (vii) autism;
 - (viii) traumatic brain injury;
 - (ix) other health impairment;
 - (x) specific learning disabilities;
 - (xi) deafblindness; or
 - (xii) a developmental delay, provided the student is at least three years of age, pursuant to Subsection (2)(c), and is younger than eight years of age;
 - (c) the student shall be at least three years of age before September 2 of the year in which admission to a private school is sought and under 19 years of age on the last day of the school year as determined by the private school, or, if the individual has not graduated from high school, will be under 22 years of age on the last day of the school year as determined by the private school; and
 - (d) except as provided in Subsection (3), the student shall:
 - (i) be enrolled in a Utah public school in the school year prior to the school year the student will be enrolled in a private school;
 - (ii) have an IEP; and
 - (iii) have obtained acceptance for admission to an eligible private school.
- (3) The requirements of Subsection (2)(d) do not apply in the following circumstances:
 - (a) the student is enrolled or has obtained acceptance for admission to an eligible private school that has previously served students with disabilities; and
 - (b) an assessment team is able to readily determine with reasonable certainty:
 - (i) that the student has a disability listed in Subsection (2)(b) and would qualify for special education services, if enrolled in a public school; and
 - (ii) for the purpose of establishing the scholarship amount, the appropriate level of special education services which should be provided to the student.
- (4)

- (a) To receive a full-year scholarship under this part, a parent of a student shall submit to the LEA where the student is enrolled an application on or before the August 15 immediately preceding the first day of the school year for which the student would receive the scholarship.
 - (b) The board may waive the full-year scholarship deadline described in Subsection (4)(a).
 - (c) An application for a scholarship shall contain an acknowledgment by the parent that the selected school is qualified and capable of providing the level of special education services required for the student.
- (5)
- (a) The scholarship application form shall contain the following statement: "I acknowledge that:
 - (1) A private school may not provide the same level of special education services that are provided in a public school;
 - (2) I will assume full financial responsibility for the education of my scholarship student if I accept this scholarship;
 - (3) Acceptance of this scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; and
 - (4) My child may return to a public school at any time."
 - (b) Upon acceptance of the scholarship, the parent assumes full financial responsibility for the education of the scholarship student.
 - (c) Acceptance of a scholarship has the same effect as a parental refusal to consent to services pursuant to Section 614(a)(1) of the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
 - (d) The creation of the scholarship program or granting of a scholarship does not:
 - (i) imply that a public school did not provide a free and appropriate public education for a student; or
 - (ii) constitute a waiver or admission by the state.
- (6)
- (a) Except as provided in Subsection (6)(b), a scholarship shall remain in force for the lesser of:
 - (i) three years; or
 - (ii) until the student is determined ineligible for special education services.
 - (b) If a student is determined ineligible for special education services as described in Subsection (6)(a)(ii) before the end of a school year, the student may remain enrolled at the private school and qualifies for the scholarship until the end of the school year.
 - (c) A scholarship shall be extended for an additional three years, if:
 - (i) the student is evaluated by an assessment team; and
 - (ii) the assessment team determines that the student would qualify for special education services, if enrolled in a public school.
 - (d) The assessment team shall determine the appropriate level of special education services which should be provided to the student for the purpose of setting the scholarship amount.
 - (e) A scholarship shall be extended for successive three-year periods as provided in Subsections (6)(a) and (c):
 - (i) until the student graduates from high school; or
 - (ii) if the student does not graduate from high school, until the student is age 22.
- (7) A student's parent, at any time, may remove the student from a private school and place the student in another eligible private school and retain the scholarship.
- (8) A scholarship student:

- (a) may participate in the Statewide Online Education Program described in Part 5, Statewide Online Education Program; and
 - (b) may not participate in a dual enrollment program pursuant to Section 53G-6-702.
- (9) The parents or guardians of a scholarship student have the authority to choose the private school that will best serve the interests and educational needs of that student, which may be a sectarian or nonsectarian school, and to direct the scholarship resources available for that student solely as a result of their genuine and independent private choices.
- (10)
- (a) An LEA shall notify in writing the parents or guardians of students enrolled in the LEA who have an IEP of the availability of a scholarship to attend a private school through the Carson Smith Scholarship Program.
 - (b) The notice described under Subsection (10)(a) shall:
 - (i) be provided no later than 30 days after the student initially qualifies for an IEP;
 - (ii) be provided annually no later than February 1 to all students who have an IEP; and
 - (iii) include the address of the Internet website maintained by the board that provides prospective applicants with detailed program information and application forms for the Carson Smith Scholarship Program.
 - (c) An LEA or school within an LEA that has an enrolled student who has an IEP shall post the address of the Internet website maintained by the board that provides prospective applicants with detailed program information and application forms for the Carson Smith Scholarship Program on the LEA's or school's website, if the LEA or school has one.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 168, 2018 General Session

53F-4-303 Eligible private schools.

- (1) To be eligible to enroll a scholarship student, a private school shall:
- (a) have a physical location in Utah where the scholarship students attend classes and have direct contact with the school's teachers;
 - (b)
 - (i)
 - (A) obtain an audit and report from a licensed independent certified public accountant that conforms with the following requirements:
 - (I) the audit shall be performed in accordance with generally accepted auditing standards;
 - (II) the financial statements shall be presented in accordance with generally accepted accounting principles; and
 - (III) the audited financial statements shall be as of a period within the last 12 months; or
 - (B) contract with an independent licensed certified public accountant to conduct an Agreed Upon Procedures engagement, as adopted by the board; and
 - (ii) submit the audit report or report of the agreed upon procedure to the board when the private school applies to accept scholarship students;
 - (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
 - (d) meet state and local health and safety laws and codes;
 - (e) provide a written disclosure to the parent of each prospective student, before the student is enrolled of:
 - (i) the special education services that will be provided to the student, including the cost of those services;
 - (ii) tuition costs;

- (iii) additional fees a parent will be required to pay during the school year; and
 - (iv) the skill or grade level of the curriculum that the student will be participating in;
 - (f)
 - (i) administer an annual assessment of each scholarship student's academic progress;
 - (ii) report the results of the assessment described in Subsection (1)(f)(i) to the student's parent; and
 - (iii) make the results available to the assessment team evaluating the student pursuant to Subsection 53F-4-302(6);
 - (g) employ or contract with teachers who:
 - (i) hold baccalaureate or higher degrees;
 - (ii) have at least three years of teaching experience in public or private schools; or
 - (iii) have the necessary special skills, knowledge, or expertise that qualifies them to provide instruction:
 - (A) in the subjects taught; and
 - (B) to the special needs students taught;
 - (h) maintain documentation demonstrating that teachers at the private school meet the qualifications described in Subsection (1)(g);
 - (i) require the following individuals to submit to a nationwide, fingerprint-based criminal background check and ongoing monitoring, in accordance with Section 53G-11-402, as a condition for employment or appointment, as authorized by the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. No. 109-248 :
 - (i) an employee who does not hold a current Utah educator license issued by the board under Title 53E, Chapter 6, Education Professional Licensure;
 - (ii) a contract employee; and
 - (iii) a volunteer who is given significant unsupervised access to a student in connection with the volunteer's assignment; and
 - (j) provide to parents the relevant credentials of the teachers who will be teaching their students.
- (2) A private school is not eligible to enroll scholarship students if:
- (a) the private school requires a student to sign a contract waiving the student's rights to transfer to another eligible private school during the school year;
 - (b) the audit report submitted under Subsection (1)(b) contains a going concern explanatory paragraph; or
 - (c) the report of the agreed upon procedure submitted under Subsection (1)(b) shows that the private school does not have adequate working capital to maintain operations for the first full year, as determined under Subsection (1)(b).
- (3) A home school is not eligible to enroll scholarship students.
- (4) Residential treatment facilities licensed by the state are not eligible to enroll scholarship students.
- (5) A private school intending to enroll scholarship students shall submit an application to the board by May 1 of the school year preceding the school year in which it intends to enroll scholarship students.
- (6) The board shall:
- (a) approve a private school's application to enroll scholarship students, if the private school meets the eligibility requirements of this section; and
 - (b) make available to the public a list of the eligible private schools.
- (7) An approved eligible private school that changes ownership shall submit a new application to the board and demonstrate that it continues to meet the eligibility requirements of this section.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 168, 2018 General Session

53F-4-304 Scholarship payments.

- (1)
 - (a) The board shall award scholarships subject to the availability of money appropriated by the Legislature for that purpose.
 - (b) The Legislature shall annually appropriate money to the board from the General Fund to make scholarship payments.
 - (c) The Legislature shall annually increase the amount of money appropriated under Subsection (1)(b) by an amount equal to the product of:
 - (i) the average scholarship amount awarded as of December 1 in the previous year; and
 - (ii) the product of:
 - (A) the number of students in preschool through grade 12 in public schools statewide who have an IEP on December 1 of the previous year; and
 - (B) 0.0007.
 - (d) If the number of scholarship students as of December 1 in any school year equals or exceeds 7% of the number of students in preschool through grade 12 in public schools statewide who have an IEP as of December 1 in the same school year, the Public Education Appropriations Subcommittee shall study the requirement to increase appropriations for scholarship payments as provided in this section.
 - (e)
 - (i) If money is not available to pay for all scholarships requested, the board shall allocate scholarships on a random basis except that the board shall give preference to students who received scholarships in the previous school year.
 - (ii) If money is insufficient in a school year to pay for all the continuing scholarships, the board may not award new scholarships during that school year and the board shall prorate money available for scholarships among the eligible students who received scholarships in the previous year.
- (2) Except as provided in Subsection (4), the board shall award full-year scholarships in the following amounts:
 - (a) for a student who received an average of 180 minutes per day or more of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 2.5; or
 - (ii) the private school tuition and fees; and
 - (b) for a student who received an average of less than 180 minutes per day of special education services in a public school before transferring to a private school, an amount not to exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.5; or
 - (ii) the private school tuition and fees.
- (3) The scholarship amount for a student enrolled in a half-day kindergarten or part-day preschool program shall be the amount specified in Subsection (2)(a) or (b) multiplied by .55.
- (4) If a student leaves a private school before the end of a fiscal quarter:
 - (a) the private school is only entitled to the amount of scholarship equivalent to the number of days that the student attended the private school; and

- (b) the private school shall remit a prorated amount of the scholarship to the board in accordance with the procedures described in rules adopted by the board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (5) For the amount of funds remitted under Subsection (4)(b), the board shall:
 - (a) make the amount available to the student to enroll immediately in another qualifying private school; or
 - (b) refund the amount back to the Carson Smith Scholarship Program account to be available to support the costs of another scholarship.
- (6)
 - (a) The board shall make an additional allocation on a random basis before June 30 each year only:
 - (i) if there are sufficient remaining funds in the program; and
 - (ii) for scholarships for students enrolled in a full-day preschool program.
 - (b) If the board awards a scholarship under Subsection (6)(a), the scholarship amount or supplement may not exceed the lesser of:
 - (i) the value of the weighted pupil unit multiplied by 1.0; or
 - (ii) the private school tuition and fees.
 - (c) The board shall, when preparing annual growth projection numbers for the Legislature, include the annual number of applications for additional allocations described in Subsection (6)(a).
- (7)
 - (a) The scholarship amount for a student who receives a waiver under Subsection 53F-4-302(3) shall be based upon the assessment team's determination of the appropriate level of special education services to be provided to the student.
 - (b)
 - (i) If the student requires an average of 180 minutes per day or more of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(a).
 - (ii) If the student requires less than an average of 180 minutes per day of special education services, a full-year scholarship shall be equal to the amount specified in Subsection (2)(b).
 - (iii) If the student is enrolled in a half-day kindergarten or part-day preschool program, a full-year scholarship is equal to the amount specified in Subsection (3).
- (8)
 - (a) Except as provided in Subsection (8)(b), upon review and receipt of documentation that verifies a student's admission to, or continuing enrollment and attendance at, a private school, the board shall make scholarship payments quarterly in four equal amounts in each school year in which a scholarship is in force.
 - (b) In accordance with board rule, the board may make a scholarship payment before the first quarterly payment of the school year, if a private school requires partial payment of tuition before the start of the school year to reserve space for a student admitted to the school.
- (9) A parent of a scholarship student shall notify the board if the student does not have continuing enrollment and attendance at an eligible private school.
- (10) Before scholarship payments are made, the board shall cross-check enrollment lists of scholarship students, LEAs, and youth in custody to ensure that scholarship payments are not erroneously made.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 168, 2018 General Session

53F-4-305 Board to make rules.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules consistent with this part establishing:

- (1) the eligibility of students to participate in the scholarship program;
- (2) the application process for the scholarship program; and
- (3) payment procedures to eligible private schools.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 168, 2018 General Session

53F-4-306 Enforcement and penalties.

- (1)
 - (a) The board shall require a private school to submit a signed affidavit assuring the private school will comply with the requirements of this part.
 - (b) If a school fails to submit a signed affidavit within 30 days of receiving notification that the school is an approved private school to receive the Carson Smith Scholarship, the board may:
 - (i) deny the private school permission to enroll scholarship students; and
 - (ii) interrupt disbursement of or withhold scholarship payments.
- (2) The board may investigate complaints and convene administrative hearings for an alleged violation of this part.
- (3) Upon a finding that this part was violated, the board may:
 - (a) deny a private school permission to enroll scholarship students;
 - (b) interrupt disbursement of or withhold scholarship payments; or
 - (c) issue an order for repayment of scholarship payments fraudulently obtained.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-307 Limitation on regulation of private schools.

Nothing in this part grants additional authority to any state agency or LEA to regulate private schools except as expressly set forth in this part.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 4 UPSTART

53F-4-401 Definitions.

As used in this part:

- (1) "Contractor" means the educational technology provider selected by the State Board of Education under Section 53F-4-402.
- (2) "Low income" means an income below 185% of the federal poverty guideline.
- (3) "Preschool children" means children who are:
 - (a) age four or five; and
 - (b) have not entered kindergarten.
- (4) "UPSTART" means the project established by Section 53F-4-402 that uses a home-based educational technology program to develop school readiness skills of preschool children.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-402 UPSTART program to develop school readiness skills of preschool children.

- (1) UPSTART, a project that uses a home-based educational technology program to develop school readiness skills of preschool children, is established within the public education system.
- (2) UPSTART is created to:
 - (a) evaluate the effectiveness of giving preschool children access, at home, to interactive individualized instruction delivered by computers and the Internet to prepare them academically for success in school; and
 - (b) test the feasibility of scaling a home-based curriculum in reading, math, and science delivered by computers and the Internet to all preschool children in Utah.
- (3)
 - (a) The State Board of Education shall contract with an educational technology provider, selected through a request for proposals process, for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).
 - (b)
 - (i) The State Board of Education may, on or before July 1, 2019, issue a request for proposals for two-year pilot proposals from, and enter into a contract with, one or more educational technology providers that do not have an existing contract under this part with the state for the delivery of a home-based educational technology program for preschool children that meets the requirements of Subsection (4).
 - (ii) If the State Board of Education enters into a contract for a two-year pilot as described in Subsection (3)(b)(i), the State Board of Education may enter into a contract with one or more educational technology providers that have participated in a Utah pilot.
 - (c) Every five years after July 1, 2021, the State Board of Education may issue a new request for proposals described in this section.
- (4) A home-based educational technology program for preschool children shall meet the following standards:
 - (a) the contractor shall provide computer-assisted instruction for preschool children on a home computer connected by the Internet to a centralized file storage facility;
 - (b) the contractor shall:
 - (i) provide technical support to families for the installation and operation of the instructional software; and
 - (ii) provide for the installation of computer and Internet access in homes of low income families that cannot afford the equipment and service;
 - (c) the contractor shall have the capability of doing the following through the Internet:
 - (i) communicating with parents;
 - (ii) updating the instructional software;
 - (iii) validating user access;
 - (iv) collecting usage data;
 - (v) storing research data; and
 - (vi) producing reports for parents, schools, and the Legislature;
 - (d) the program shall include the following components:
 - (i) computer-assisted, individualized instruction in reading, mathematics, and science;
 - (ii) a multisensory reading tutoring program; and

- (iii) a validated computer adaptive reading test that does not require the presence of trained adults to administer and is an accurate indicator of reading readiness of children who cannot read;
- (e) the contractor shall have the capability to quickly and efficiently modify, improve, and support the product;
- (f) the contractor shall work in cooperation with school district personnel who will provide administrative and technical support of the program as provided in Section 53F-4-403;
- (g) the contractor shall solicit families to participate in the program as provided in Section 53F-4-404; and
- (h) in implementing the home-based educational technology program, the contractor shall seek the advise and expertise of early childhood education professionals within the Utah System of Higher Education on issues such as:
 - (i) soliciting families to participate in the program;
 - (ii) providing training to families; and
 - (iii) motivating families to regularly use the instructional software.
- (5)
 - (a) The contract shall provide funding for a home-based educational technology program for preschool children, subject to the appropriation of money by the Legislature for UPSTART.
 - (b) An appropriation for a request for proposals described in Subsection (3)(b)(i) shall be separate from an appropriation described in Subsection (5)(a).
- (6) The State Board of Education shall evaluate a proposal based on:
 - (a) whether the home-based educational technology program meets the standards specified in Subsection (4);
 - (b) the results of an independent evaluation of the home-based educational technology program;
 - (c) the experience of the home-based educational technology program provider; and
 - (d) the per pupil cost of the home-based educational technology program.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 163, 2018 General Session

53F-4-403 School district participation in UPSTART.

- (1) A school district may participate in UPSTART if the local school board agrees to work in cooperation with the contractor to provide administrative and technical support for UPSTART.
- (2) Family participants in UPSTART shall be solicited from school districts that participate in UPSTART.
- (3) A school district that participates in UPSTART shall:
 - (a) receive funding for:
 - (i) paraprofessional and technical support staff; and
 - (ii) travel, materials, and meeting costs of the program;
 - (b) participate in program training by the contractor; and
 - (c) agree to adopt standardized policies and procedures in implementing UPSTART.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-404 Family participation in UPSTART -- Low income family verification.

- (1) The contractor shall:
 - (a) solicit families to participate in UPSTART through a public information campaign and referrals from participating school districts; and

- (b) work with the Department of Workforce Services and the State Board of Education to solicit participation from families of children experiencing intergenerational poverty, as defined in Section 35A-9-102, to participate in UPSTART.
- (2)
 - (a) Preschool children who participate in UPSTART shall:
 - (i) be from families with diverse socioeconomic and ethnic backgrounds;
 - (ii) reside in different regions of the state in both urban and rural areas; and
 - (iii) be given preference to participate if the preschool child's family resides in a rural area with limited prekindergarten services.
 - (b)
 - (i) If the number of families who would like to participate in UPSTART exceeds the number of participants funded by the legislative appropriation, the contractor shall give priority to preschool children from low income families and preschool children who are English language learners.
 - (ii) At least 30% of the preschool children who participate in UPSTART shall be from low income families.
- (3) A low income family that cannot afford a computer and Internet service to operate the instructional software may obtain a computer and peripheral equipment on loan and receive free Internet service for the duration of the family's participation in UPSTART.
- (4)
 - (a) The contractor shall make the home-based educational technology program available to families at a cost agreed upon by the State Board of Education and the contractor if the number of families who would like to participate in UPSTART exceeds the number of participants funded by the legislative appropriation.
 - (b) The State Board of Education and the contractor shall annually post on their websites information on purchasing a home-based educational technology program as provided in Subsection (4)(a).
- (5)
 - (a) The contractor shall:
 - (i) determine if a family is a low income family for purposes of this part; and
 - (ii) use the same application form as described in Section 35A-9-401 or create an application form that requires an individual to provide and certify the information necessary for the contractor to make the determination described in Subsection (5)(a)(i).
 - (b) The contractor may:
 - (i) require an individual to submit supporting documentation; and
 - (ii) create a deadline for an individual to submit an application, if necessary.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-405 Purchase of equipment and service through cooperative purchasing contracts.

The State Board of Education or a school district may purchase computers, peripheral equipment, and Internet service for low income families who cannot afford them through cooperative purchasing contracts administered by the state Division of Purchasing and General Services.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-406 Audit and evaluation.

- (1) The state auditor shall:
 - (a) conduct an annual audit of the contractor's use of funds for UPSTART; or
 - (b) contract with an independent certified public accountant to conduct an annual audit.
- (2) The State Board of Education shall:
 - (a) require by contract that the contractor will open its books and records relating to its expenditure of funds pursuant to the contract to the state auditor or the state auditor's designee;
 - (b) reimburse the state auditor for the actual and necessary costs of the audit; and
 - (c) contract with an independent, qualified evaluator, selected through a request for proposals process, to evaluate the home-based educational technology program for preschool children.
- (3) Of the money appropriated by the Legislature for UPSTART, excluding funds used to provide computers, peripheral equipment, and Internet service to families, no more than 7.5% may be used for the evaluation of the program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-407 Annual report.

- (1) The State Board of Education shall make a report on UPSTART to the Education Interim Committee by November 30 each year.
- (2) The report shall:
 - (a) address the extent to which UPSTART is accomplishing the purposes for which it was established as specified in Section 53F-4-402; and
 - (b) include the following information:
 - (i) the number of families:
 - (A) volunteering to participate in the program;
 - (B) selected to participate in the program;
 - (C) requesting computers; and
 - (D) furnished computers;
 - (ii) the frequency of use of the instructional software;
 - (iii) obstacles encountered with software usage, hardware, or providing technical assistance to families;
 - (iv) student performance on pre-kindergarten and post-kindergarten assessments conducted by school districts and charter schools for students who participated in the home-based educational technology program and those who did not participate in the program; and
 - (v) as available, the evaluation of the program conducted pursuant to Section 53F-4-406.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 5
Statewide Online Education Program

53F-4-501 Definitions.

As used in this part:

- (1) "District school" means a public school under the control of a local school board elected pursuant to Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
- (2) "Eligible student" means:

- (a) a student enrolled in a district school or charter school in Utah; or
- (b) beginning on July 1, 2013, a student:
 - (i) who attends a private school or home school; and
 - (ii) whose custodial parent or legal guardian is a resident of Utah.
- (3) "LEA" means a local education agency in Utah that has administrative control and direction for public education.
- (4) "Online course" means a course of instruction offered by the Statewide Online Education Program through the use of digital technology.
- (5) "Plan for college and career readiness" means the same as that term is defined in Section 53E-2-304.
- (6) "Primary LEA of enrollment" means the LEA in which an eligible student is enrolled for courses other than online courses offered through the Statewide Online Education Program.
- (7) "Released-time" means a period of time during the regular school day a student is excused from school at the request of the student's parent or guardian pursuant to rules of the State Board of Education.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-502 Statewide Online Education Program created -- Designated as program of the public education system -- Purposes.

- (1) The Statewide Online Education Program is created to enable an eligible student to earn high school graduation credit through the completion of publicly funded online courses.
- (2) Pursuant to Utah Constitution, Article X, Section 2, the Statewide Online Education Program is designated as a program of the public education system.
- (3) The purposes of an online school are to:
 - (a) provide a student with access to online learning options regardless of where the student attends school, whether a public, private, or home school;
 - (b) provide high quality learning options for a student regardless of language, residence, family income, or special needs;
 - (c) provide online learning options to allow a student to acquire the knowledge and technology skills necessary in a digital world;
 - (d) utilize the power and scalability of technology to customize education so that a student may learn in the student's own style preference and at the student's own pace;
 - (e) utilize technology to remove the constraints of traditional classroom learning, allowing a student to access learning virtually at any time and in any place and giving the student the flexibility to take advantage of the student's peak learning time;
 - (f) provide personalized learning, where a student can spend as little or as much time as the student needs to master the material;
 - (g) provide greater access to self-paced programs enabling a high achieving student to accelerate academically, while a struggling student may have additional time and help to gain competency;
 - (h) allow a student to customize the student's schedule to better meet the student's academic goals;
 - (i) provide quality learning options to better prepare a student for post-secondary education and vocational or career opportunities; and
 - (j) allow a student to have an individualized educational experience.
- (4) The program created under this part shall be known as the "Statewide Online Education Program."

- (5) The program name, "Statewide Online Education Program," shall be used in the dissemination of information on the program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-503 Option to enroll in online courses offered through the Statewide Online Education Program.

- (1) Subject to the course limitations provided in Subsection (2), an eligible student may enroll in an online course offered through the Statewide Online Education Program if:
- (a) the student meets the course prerequisites;
 - (b) the course is open for enrollment;
 - (c) the online course is aligned with the student's plan for college and career readiness;
 - (d) the online course is consistent with the student's individual education plan (IEP), if the student has an IEP; and
 - (e) the online course is consistent with the student's international baccalaureate program, if the student is participating in an international baccalaureate program.
- (2) An eligible student may enroll in online courses for no more than the following number of credits:
- (a) in the 2011-12 and 2012-13 school years, two credits;
 - (b) in the 2013-14 school year, three credits;
 - (c) in the 2014-15 school year, four credits;
 - (d) in the 2015-16 school year, five credits; and
 - (e) beginning with the 2016-17 school year, six credits.
- (3) Notwithstanding Subsection (2):
- (a) a student's primary LEA of enrollment may allow an eligible student to enroll in online courses for more than the number of credits specified in Subsection (2); or
 - (b) upon the request of an eligible student, the State Board of Education may allow the student to enroll in online courses for more than the number of credits specified in Subsection (2), if the online courses better meet the academic goals of the student.
- (4) An eligible student's primary LEA of enrollment:
- (a) in conjunction with the student and the student's parent or legal guardian, is responsible for preparing and implementing a plan for college and career readiness for the eligible student, as provided in Section 53F-2-304; and
 - (b) shall assist an eligible student in scheduling courses in accordance with the student's plan for college and career readiness, graduation requirements, and the student's post-secondary plans.
- (5) An eligible student's primary LEA of enrollment may not:
- (a) impose restrictions on a student's selection of an online course that fulfills graduation requirements and is consistent with the student's plan for college and career readiness or post-secondary plans; or
 - (b) give preference to an online course or online course provider.
- (6) The State Board of Education, including an employee of the State Board of Education, may not give preference to an online course or online course provider.
- (7)
- (a) Except as provided in Subsection (7)(b), a person may not provide an inducement or incentive to a public school student to participate in the Statewide Online Education Program.
 - (b) For purposes of Subsection (7)(a):
 - (i) "Inducement or incentive" does not mean:

- (A) instructional materials or software necessary to take an online course; or
 - (B) access to a computer or digital learning device for the purpose of taking an online course.
- (ii) "Person" does not include a relative of the public school student.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-504 Authorized online course providers.

The following entities may offer online courses to eligible students through the Statewide Online Education Program:

- (1) a charter school or district school created exclusively for the purpose of serving students online;
- (2) an LEA program, approved by the LEA's governing board, that is created exclusively for the purpose of serving students online; and
- (3) a program of an institution of higher education listed in Section 53B-2-101 that:
 - (a) offers secondary school level courses; and
 - (b) is created exclusively for the purpose of serving students online.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-505 Payment for an online course.

- (1) For the 2012-13 school year, the fee for a .5 credit online course or .5 credit of a 1 credit online course is:
 - (a) \$200 for the following courses, except a concurrent enrollment course:
 - (i) financial literacy;
 - (ii) health;
 - (iii) fitness for life; and
 - (iv) computer literacy;
 - (b) \$200 for driver education;
 - (c) \$250 for a course that meets core standards for Utah public schools in fine arts or career and technical education, except a concurrent enrollment course;
 - (d) \$300 for the following courses:
 - (i) a course that meets core standards for Utah public schools requirements in social studies, except a concurrent enrollment course; and
 - (ii) a world language course, except a concurrent enrollment course;
 - (e) \$350 for the following courses:
 - (i) a course that meets core standards for Utah public schools requirements for language arts, mathematics, or science; and
 - (ii) a concurrent enrollment course; and
 - (f) \$250 for a course not described in Subsections (1)(a) through (e).
- (2) If a course meets the requirements of more than one course fee category described in Subsection (1), the course fee shall be the lowest of the applicable course fee categories.
- (3) Beginning with the 2013-14 school year, the online course fees described in Subsection (1) shall be adjusted each school year in accordance with the percentage change in value of the weighted pupil unit from the previous school year.
- (4) An online learning provider shall receive payment for an online course as follows:
 - (a) for a .5 credit online course, 50% of the online course fee after the withdrawal period described in Section 53F-4-506;

- (b) for a 1 credit online course, 25% of the online course fee after the withdrawal period described in Section 53F-4-506 and 25% of the online course fee upon the beginning of the second .5 credit of the online course; and
 - (c) if a student completes a 1 credit online course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, 50% of the online course fee.
- (5)
- (a) If a student fails to complete a 1 credit course within 12 months or a .5 credit course within nine weeks following the end of a traditional semester, the student may continue to be enrolled in the course until the student graduates from high school.
 - (b) To encourage an online course provider to provide remediation to a student who remains enrolled in an online course pursuant to Subsection (5)(a) and avoid the need for credit recovery, an online course provider shall receive a payment equal to 30% of the online course fee if the student completes the online course before the student graduates from high school.
- (6) Notwithstanding the online course fees prescribed in Subsections (1) through (3), a school district or charter school may:
- (a) negotiate a fee with an online course provider for an amount up to the amount prescribed in Subsections (1) through (3); and
 - (b) pay the negotiated fee instead of the fee prescribed in Subsections (1) through (3).
- (7) An online course provider who contracts with a vendor for the acquisition of online course content or online course instruction may negotiate the payment for the vendor's service independent of the fees specified in Subsections (1) through (3).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-506 Withdrawal from an online course.

- (1) An online course provider shall establish a start date for an online course, including a start date for the second .5 credit of a 1 credit online course.
- (2) Except as provided in Subsection (3), a student may withdraw from an online course:
 - (a) within 20 school calendar days of the start date, if the student enrolls in an online course on or before the start date established pursuant to Subsection (1); or
 - (b) within 20 school calendar days of enrolling in the online course, if the student enrolls in an online course after the start date established pursuant to Subsection (1).
- (3)
 - (a) A student may withdraw from a 1 credit online course within 20 school calendar days of the start date of the second .5 credit of the online course.
 - (b) An online course provider shall refund a payment received for the second .5 credit of an online course if a student withdraws from the online course pursuant to Subsection (3)(a).
 - (c) If a student withdraws from a 1 credit online course as provided in Subsection (3)(a), the online course provider shall receive payment for the student's completion of .5 credit of the 1 credit course in the same manner as an online course provider receives payment for a student's completion of a .5 credit online course as described in Subsection 53F-4-505(4).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-507 State Board of Education to deduct funds and make payments -- Plan for the payment of online courses taken by private and home school students.

- (1) For a fiscal year that begins on or after July 1, 2018, and subject to future budget constraints, the Legislature shall adjust the appropriation for the Statewide Online Education Program based on:
 - (a) the anticipated increase of eligible home school and private school students enrolled in the Statewide Online Education Program; and
 - (b) the value of the weighted pupil unit.
- (2)
 - (a) The State Board of Education shall deduct money from funds allocated to the student's primary LEA of enrollment under Chapter 2, State Funding -- Minimum School Program , to pay for online course fees.
 - (b) Money shall be deducted under Subsection (2) in the amount and at the time an online course provider qualifies to receive payment for an online course as provided in Subsection 53F-4-505(4).
- (3) From money deducted under Subsection (2), the State Board of Education shall make payments to the student's online course provider as provided in Section 53F-4-505.
- (4) The Legislature shall establish a plan, which shall take effect beginning on July 1, 2013, for the payment of online courses taken by a private school or home school student.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-508 Course credit acknowledgment.

- (1) A student's primary LEA of enrollment and the student's online course provider shall enter into a course credit acknowledgment in which the primary LEA of enrollment and the online course provider acknowledge that the online course provider is responsible for the instruction of the student in a specified online course.
- (2) The terms of the course credit acknowledgment shall provide that:
 - (a) the online course provider shall receive a payment in the amount provided under Section 53F-4-505; and
 - (b) the student's primary LEA of enrollment acknowledges that the State Board of Education will deduct funds allocated to the LEA under Chapter 2, State Funding -- Minimum School Program , in the amount and at the time the online course provider qualifies to receive payment for the online course as provided in Subsection 53F-4-505(4).
- (3)
 - (a) A course credit acknowledgment may originate with either an online course provider or primary LEA of enrollment.
 - (b) The originating entity shall submit the course credit acknowledgment to the State Board of Education who shall forward it to the primary LEA of enrollment for course selection verification or the online course provider for acceptance.
 - (c)
 - (i) A primary LEA of enrollment may only reject a course credit acknowledgment if:
 - (A) the online course is not aligned with the student's plan for college and career readiness;
 - (B) the online course is not consistent with the student's IEP, if the student has an IEP;
 - (C) the online course is not consistent with the student's international baccalaureate program, if the student participates in an international baccalaureate program; or
 - (D) the number of online course credits exceeds the maximum allowed for the year as provided in Section 53F-4-503.
 - (ii) Verification of alignment of an online course with a student's plan for college and career readiness does not require a meeting with the student.

- (d) An online course provider may only reject a course credit acknowledgment if:
 - (i) the student does not meet course prerequisites; or
 - (ii) the course is not open for enrollment.
 - (e) A primary LEA of enrollment or online course provider shall submit an acceptance or rejection of a course credit acknowledgment to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgment from the State Board of Education pursuant to Subsection (3)(b).
 - (f) If an online course provider accepts a course credit acknowledgment, the online course provider shall forward to the primary LEA of enrollment the online course start date as established under Section 53F-4-506.
 - (g) If an online course provider rejects a course credit acknowledgment, the online course provider shall include an explanation which the State Board of Education shall forward to the primary LEA of enrollment for the purpose of assisting a student with future online course selection.
 - (h) If a primary LEA of enrollment does not submit an acceptance or rejection of a course credit acknowledgment to the State Board of Education within 72 business hours of the receipt of a course credit acknowledgment from the State Board of Education pursuant to Subsection (3)(b), the State Board of Education shall consider the course credit acknowledgment accepted.
 - (i)
 - (i) Upon acceptance of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the acceptance and the start date for the online course as established under Section 53F-4-506.
 - (ii) Upon rejection of a course credit acknowledgment, the primary LEA of enrollment shall notify the student of the rejection and provide an explanation of the rejection.
 - (j) If the online course student has an individual education plan (IEP) or 504 accommodations, the primary LEA of enrollment shall forward the IEP or description of 504 accommodations to the online course provider within 72 business hours after the primary LEA of enrollment receives notice that the online course provider accepted the course credit acknowledgment.
- (4)
- (a) A primary LEA of enrollment may not reject a course credit acknowledgment, because the LEA is negotiating, or intends to negotiate, an online course fee with the online course provider pursuant to Subsection 53F-4-505(6).
 - (b) If a primary LEA of enrollment negotiates an online course fee with an online course provider before the start date of an online course, a course credit acknowledgment may be amended to reflect the negotiated online course fee.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-509 Online course credit hours included in daily membership -- Limitation.

- (1) Subject to Subsection (2), a student's primary LEA of enrollment shall include online course credit hours in calculating daily membership.
- (2) A student may not count as more than one FTE, unless the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness.
- (3) A student who enrolls in an online course may not be counted in membership for a released-time class, if counting the student in membership for a released-time class would result in the student being counted as more than one FTE.

- (4) Except as provided in Subsection (5), a student enrolled in an online course may earn no more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment.
- (5) A student enrolled in an online course may earn more credits in a year than the number of credits a student may earn in a year by taking a full course load during the regular school day in the student's primary LEA of enrollment:
 - (a) if the student intends to complete high school graduation requirements, and exit high school, early, in accordance with the student's plan for college and career readiness; or
 - (b) if allowed under local school board or charter school governing board policy.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-510 Administration of statewide assessments to students enrolled in online courses.

- (1) A student enrolled in an online course that is a course for which a statewide assessment is administered under Title 53E, Chapter 4, Part 3, Assessments , shall take the statewide assessment.
- (2)
 - (a) The State Board of Education shall make rules providing for the administration of a statewide assessment to a student enrolled in an online course.
 - (b) Rules made under Subsection (2)(a) shall:
 - (i) provide for the administration of a statewide assessment upon a student completing an online course; and
 - (ii) require an online course provider to proctor the statewide assessment.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-511 Report on performance of online course providers.

- (1) The State Board of Education, in collaboration with online course providers, shall develop a report on the performance of online course providers, which may be used to evaluate the Statewide Online Education Program and assess the quality of an online course provider.
- (2) A report on the performance of an online course provider shall include:
 - (a) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments , taken by students at the end of an online course offered through the Statewide Online Education Program;
 - (b) the percentage of the online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
 - (c) the percentage of the online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
 - (d) the pupil-teacher ratio for the combined online courses of the online course provider.
- (3) The State Board of Education shall post a report on the performance of an online course provider on the Statewide Online Education Program's website.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-512 Dissemination of information on the Statewide Online Education Program.

- (1) The State Board of Education shall develop a website for the Statewide Online Education Program which shall include:

- (a) a description of the Statewide Online Education Program, including its purposes;
 - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
 - (c) a directory of online course providers;
 - (d) a link to a course catalog for each online course provider; and
 - (e) a report on the performance of online course providers as required by Section 53F-4-511.
- (2) An online course provider shall provide the following information on the online course provider's website:
- (a) a description of the Statewide Online Education Program, including its purposes;
 - (b) information on who is eligible to enroll, and how an eligible student may enroll, in an online course;
 - (c) a course catalog;
 - (d) scores aggregated by test on statewide assessments administered under Title 53E, Chapter 4, Part 3, Assessments, taken by students at the end of an online course offered through the Statewide Online Education Program;
 - (e) the percentage of an online course provider's students who complete online courses within the applicable time period specified in Subsection 53F-4-505(4)(c);
 - (f) the percentage of an online course provider's students who complete online courses after the applicable time period specified in Subsection 53F-4-505(4)(c) and before the student graduates from high school; and
 - (g) the online learning provider's pupil-teacher ratio for the online courses combined.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-513 Time period to enroll in an online course.

- (1) To provide an LEA and online course providers with estimates of online course enrollment, a student should enroll in an online course, or declare an intention to enroll in an online course, during the high school course registration period designated by the LEA.
- (2) Notwithstanding Subsection (1) and except as provided in Subsection (3), a student may enroll in an online course at any time during a calendar year.
- (3)
 - (a) A student may alter a course schedule by dropping a traditional classroom course and adding an online course consistent with course schedule alteration procedures adopted by the student's primary LEA of enrollment or high school.
 - (b) A school district's or high school's deadline for dropping a traditional classroom course and adding an online course shall be the same deadline for dropping and adding a traditional classroom course.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-514 State Board of Education -- Rulemaking.

The State Board of Education shall make rules in accordance with this part and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

- (1) establish a course credit acknowledgement form and procedures for completing and submitting to the State Board of Education a course credit acknowledgement; and
- (2) establish procedures for the administration of a statewide assessment to a student enrolled in an online course.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-515 Review by legislative auditor general.

The legislative auditor general shall conduct a review and issue a report on the Statewide Online Education Program after the conclusion of the 2013-14 school year.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-516 Report of noncompliance -- Action to ensure compliance.

- (1) The state superintendent shall report to the State Board of Education any report of noncompliance of this part made to a member of the staff of the State Board of Education.
- (2) The State Board of Education shall take appropriate action to ensure compliance with this part.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-4-517 Agreements for online instruction.

- (1) In addition to offering online courses to students through the Statewide Online Education Program, a school district or charter school may enter into an agreement with another school district or charter school or a consortium of school districts or charter schools to provide online instruction to the school district's or charter school's students.
- (2) Online instruction offered pursuant to Subsection (1) is not subject to the requirements of this part.

Renumbered and Amended by Chapter 2, 2018 General Session

Chapter 5 State Funding -- Initiative Grant Programs

Part 1 General Provisions

53F-5-101 Title.

This chapter is known as "State Funding -- Initiative Grant Programs."

Enacted by Chapter 2, 2018 General Session

53F-5-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

Part 2 Miscellaneous Grant Programs

53F-5-201 Grants for online delivery of statewide assessments.

- (1) As used in this section:
 - (a) "Adaptive tests" means tests administered during the school year using an online adaptive test system.
 - (b) "Core standards for Utah public schools" means the standards established by the State Board of Education as described in Section 53E-4-202.
 - (c) "Statewide assessment" means the same as that term is defined in Section 53E-4-301.
 - (d) "Summative tests" means tests administered near the end of a course to assess overall achievement of course goals.
 - (e) "Uniform online summative test system" means a single system for the online delivery of summative tests required as statewide assessments that:
 - (i) is coordinated by the State Board of Education;
 - (ii) ensures the reliability and security of statewide assessments; and
 - (iii) is selected through collaboration between the State Board of Education and school district representatives with expertise in technology, assessment, and administration.
- (2) The State Board of Education may award grants to school districts and charter schools to implement:
 - (a) a uniform online summative test system to enable school staff and parents of students to review statewide assessment scores by the end of the school year; or
 - (b) an online adaptive test system to enable parents of students and school staff to measure and monitor a student's academic progress during a school year.
- (3)
 - (a) Grant money may be used to pay for any of the following, provided it is directly related to implementing a uniform online summative test system, an online adaptive test system, or both:
 - (i) computer equipment and peripherals, including electronic data capture devices designed for electronic test administration and scoring;
 - (ii) software;
 - (iii) networking equipment;
 - (iv) upgrades of existing equipment or software;
 - (v) upgrades of existing physical plant facilities;
 - (vi) personnel to provide technical support or coordination and management; and
 - (vii) teacher professional development.
 - (b) Equipment purchased in compliance with Subsection (3)(a), when not in use for the online delivery of summative tests or adaptive tests required as statewide assessments, may be used for other purposes.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules:
 - (a) establishing procedures for applying for and awarding grants;
 - (b) specifying how grant money is allocated among school districts and charter schools;
 - (c) requiring reporting of grant money expenditures and evidence showing that the grant money has been used to implement a uniform online summative test system, an online adaptive test system, or both;
 - (d) establishing technology standards for an online adaptive testing system;
 - (e) requiring a school district or charter school that receives a grant under this section to implement, in compliance with Title 53E, Chapter 9, Student Privacy and Data Protection, an online adaptive test system by the 2014-15 school year that:
 - (i) meets the technology standards established under Subsection (4)(d); and

- (ii) is aligned with the core standards for Utah public schools;
 - (f) requiring a school district or charter school to provide matching funds to implement a uniform online summative test system, an online adaptive test system, or both in an amount that is greater than or equal to the amount of a grant received under this section; and
 - (g) ensuring that student identifiable data is not released to any person, except as provided by Title 53E, Chapter 9, Student Privacy and Data Protection, and rules of the State Board of Education adopted under the authority of those parts.
- (5) If a school district or charter school uses grant money for purposes other than those stated in Subsection (3), the school district or charter school is liable for reimbursing the State Board of Education in the amount of the grant money improperly used.
- (6) A school district or charter school may not use federal funds to provide the matching funds required to receive a grant under this section.
- (7) A school district may not impose a tax rate above the certified tax rate for the purpose of generating revenue to provide matching funds for a grant under this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-202 National Board certification reimbursement.

- (1)
- (a) The terms defined in Section 53E-6-102 apply to this section.
 - (b) As used in this section:
 - (i) "Eligible educator" means an educator who:
 - (A) holds a current National Board certification; and
 - (B) is employed as an educator by an LEA.
 - (ii) "Local education agency" or "LEA" means:
 - (A) a school district;
 - (B) a charter school; or
 - (C) the Utah Schools for the Deaf and the Blind.
- (2)
- (a) Subject to legislative appropriations and Subsection (2)(b), the board shall reimburse an eligible educator for the cost to attain or renew a National Board certification.
 - (b) The board may only issue a reimbursement under Subsection (2)(a) for a certification attained or renewed after July 1, 2016.
- (3) The board shall reimburse an eligible educator under this section on a first come, first served basis.
- (4) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, specifying procedures and timelines for reimbursing costs under Subsection (2).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-203 Interventions for Reading Difficulties Pilot Program.

- (1) As used in this section:
- (a) "Board" means the State Board of Education.
 - (b) "Dyslexia" means a specific learning disability that is neurological in origin and characterized by difficulties with accurate or fluent word recognition and by poor spelling and decoding abilities that typically result from a deficit in the phonological component of language that

is often unexpected in relation to other cognitive abilities and the provision of effective classroom instruction.

- (c) "Local education agency" or "LEA" means:
 - (i) a school district;
 - (ii) a charter school; or
 - (iii) the Utah Schools for the Deaf and the Blind.
- (d) "Multi-Tier System of Supports" or "MTSS" means a framework integrating assessment and intervention that:
 - (i) provides increasingly intensive interventions for students at risk for or experiencing reading difficulties, including:
 - (A) tier II interventions that, in addition to standard classroom reading, provide supplemental and targeted small group instruction in reading using evidence-based curricula; and
 - (B) tier III interventions that address the specific needs of students who are the most at risk or who have not responded to tier II interventions by providing frequent, intensive, and targeted small group instruction using evidence-based curricula; and
 - (ii) is developed to:
 - (A) maximize student achievement;
 - (B) reduce behavior problems; and
 - (C) increase long-term success.
- (e) "Program" means the Interventions for Reading Difficulties Pilot Program.
- (f) "Reading difficulty" means an impairment, including dyslexia, that negatively affects a student's ability to learn to read.
- (2) There is created the Interventions for Reading Difficulties Pilot Program to provide:
 - (a) specific evidence-based literacy interventions using an MTSS for students in kindergarten through grade 5 who are at risk for or experiencing a reading difficulty, including dyslexia; and
 - (b) professional development to educators who provide the literacy interventions described in Subsection (2)(a).
- (3)
 - (a) An LEA may submit a proposal to the board to participate in the program.
 - (b) An LEA proposal described in Subsection (3)(a) shall:
 - (i) specify:
 - (A) a range of current benchmark assessment in reading scores described in Section 53E-4-307 that the LEA will use to determine whether a student is at risk for a reading difficulty; and
 - (B) other reading difficulty risk factors that the LEA will use to determine whether a student is at risk for a reading difficulty;
 - (ii) describe the LEA's existing reading program;
 - (iii) describe the LEA's MTSS approach; and
 - (iv) include any other information requested by the board.
 - (c) The board may:
 - (i) specify the format for an LEA proposal; and
 - (ii) set a deadline for an LEA to submit a proposal.
- (4) The board shall:
 - (a) define criteria for selecting an LEA to participate in the program;
 - (b) during fiscal year 2016, select five LEAs to participate in the program:
 - (i) on a competitive basis; and
 - (ii) using criteria described in Subsection (4)(a); and

- (c) provide each LEA, selected as described in Subsection (4)(b), up to \$30,000 per school within the LEA.
- (5) During fiscal years 2017, 2018, and 2019, if funding allows, the board may select additional LEAs to participate in the program.
- (6) An LEA that participates in the program:
 - (a) shall, beginning with the 2016-17 school year, provide the interventions described in Subsection (7)(c) from the time the LEA is selected until the end of the 2018-19 school year; and
 - (b) may provide the professional development described in Subsections (8)(a) and (b) beginning in fiscal year 2016.
- (7) An LEA that participates in the program shall:
 - (a) select at least one school in the LEA to participate in the program;
 - (b) identify students in kindergarten through grade 5 for participation in the program by:
 - (i) using current benchmark assessment in reading scores as described in Section 53E-4-307; and
 - (ii) considering other reading difficulty risk factors identified by the LEA;
 - (c) provide interventions for each student participating in the program using an MTSS implemented by an educator trained in evidence-based interventions;
 - (d) include the LEA's proposal submitted under Subsection (3)(b) in the reading achievement plan described in Section 53E-4-306 for each school in the LEA that participates in the program; and
 - (e) report annually to the board on:
 - (i) individual student outcomes in changes in reading ability;
 - (ii) school level outcomes; and
 - (iii) any other information requested by the board.
- (8) Subject to funding for the program, an LEA may use the funds described in Subsection (4)(c) for the following purposes:
 - (a) to provide for ongoing professional development in evidence-based literacy interventions;
 - (b) to support educators in earning a reading interventionist credential that prepares teachers to provide a student who is at risk for or experiencing reading difficulty, including dyslexia, with reading intervention that is:
 - (i) explicit;
 - (ii) systematic; and
 - (iii) targeted to a student's specific reading difficulty; and
 - (c) to implement the program.
- (9) The board shall contract with an independent evaluator to evaluate the program on:
 - (a) whether the program improves reading outcomes for a student who receives the interventions described in Subsection (7)(c);
 - (b) whether the program may reduce future special education costs; and
 - (c) any other student or school achievement outcomes requested by the board.
- (10)
 - (a) The board shall make a final report on the program to the Education Interim Committee on or before November 1, 2018.
 - (b) In the final report described in Subsection (10)(a), the board shall include the results of the evaluation described in Subsection (9).

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 22, 2018 General Session

53F-5-204 Initiative to strengthen college and career readiness.

- (1) As used in this section:
 - (a) "College and career counseling" means:
 - (i) nurturing college and career aspirations;
 - (ii) assisting students in planning an academic program that connects to college and career goals;
 - (iii) providing early and ongoing exposure to information necessary to make informed decisions when selecting a college and career;
 - (iv) promoting participation in college and career assessments;
 - (v) providing financial aid information; and
 - (vi) increasing understanding about college admission processes.
 - (b) "LEA" or "local education agency" means a school district or charter school.
- (2) There is created the Strengthening College and Career Readiness Program, a grant program for LEAs, to improve students' college and career readiness through enhancing the skill level of school counselors to provide college and career counseling.
- (3) The State Board of Education shall:
 - (a) on or before August 1, 2015, collaborate with the State Board of Regents, and business, community, and education stakeholders to develop a certificate for school counselors that:
 - (i) certifies that a school counselor is highly skilled at providing college and career counseling; and
 - (ii) is aligned with the Utah Comprehensive Counseling and Guidance Program as defined in rules established by the State Board of Education;
 - (b) subject to legislative appropriations, award grants to LEAs, on a competitive basis, for payment of course fees for courses required to earn the certificate developed by the State Board of Education under Subsection (3)(a); and
 - (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules specifying:
 - (i) procedures for applying for and awarding grants under this section;
 - (ii) criteria for awarding grants; and
 - (iii) reporting requirements for grantees.
- (4) An LEA that receives a grant under this section shall use the grant for payment of course fees for courses required to attain the certificate as determined by the State Board of Education under Subsection (3)(a).
- (5) The State Board of Education shall report to the Education Interim Committee on the status of the Strengthening College and Career Readiness Program on or before:
 - (a) November 1, 2016; and
 - (b) November 1, 2017.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-205 Paraeducator to Teacher Scholarship Program -- Grants for math teacher training programs.

- (1)
 - (a) The terms defined in Section 53E-6-102 apply to this section.
 - (b) As used in this section, "paraeducator" means a school employee who:
 - (i) delivers instruction under the direct supervision of a teacher; and

- (ii) works in an area where there is a shortage of qualified teachers, such as special education, Title I, ESL, reading remediation, math, or science.
- (2) The Paraeducator to Teacher Scholarship Program is created to award scholarships to paraeducators for education and training to become licensed teachers.
- (3) The State Board of Education shall use money appropriated for the Paraeducator to Teacher Scholarship Program to award scholarships of up to \$5,000 to paraeducators employed by school districts and charter schools who are pursuing an associate's degree or bachelor's degree program to become a licensed teacher.
- (4) A paraeducator is eligible to receive a scholarship if:
 - (a) the paraeducator is employed by a school district or charter school;
 - (b) is admitted to, or has made an application to, an associate's degree program or bachelor's degree program that will prepare the paraeducator for teacher licensure; and
 - (c) the principal at the school where the paraeducator is employed has nominated the paraeducator for a scholarship.
- (5)
 - (a) The State Board of Education shall establish a committee to select scholarship recipients from nominations submitted by school principals.
 - (b) The committee shall include representatives of the State Board of Education, State Board of Regents, and the general public, excluding school district and charter school employees.
 - (c) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (i) Section 63A-3-106;
 - (ii) Section 63A-3-107; and
 - (iii) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
 - (d) The committee shall select scholarship recipients based on the following criteria:
 - (i) test scores, grades, or other evidence demonstrating the applicant's ability to successfully complete a teacher education program; and
 - (ii) the applicant's record of success as a paraeducator.
- (6) The maximum scholarship amount is \$5,000.
- (7) Scholarship money may only be used to pay for tuition costs:
 - (a) of:
 - (i) an associate's degree program that fulfills credit requirements for the first two years of a bachelor's degree program leading to teacher licensure; or
 - (ii) the first two years of a bachelor's degree program leading to teacher licensure; and
 - (b) at a higher education institution:
 - (i) located in Utah; and
 - (ii) accredited by the Northwest Commission on Colleges and Universities.
- (8) A scholarship recipient must be continuously employed as a paraeducator by a school district or charter school while pursuing a degree using scholarship money.
- (9) The State Board of Education shall make rules in accordance with this section and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to administer the Paraeducator to Teacher Scholarship Program, including rules establishing:
 - (a) scholarship application procedures;
 - (b) the number of, and qualifications for, committee members who select scholarship recipients; and
 - (c) procedures for distributing scholarship money.

- (10) If the state obtains matching funds of equal sums from private contributors, the board may award grants to institutions of higher education or nonprofit educational organizations for programs that provide:
- (a) mentoring and training leading to a secondary education license with a certificate in mathematics for an individual who:
 - (i) is not a teacher in a public or private school;
 - (ii) does not have a teaching license;
 - (iii) has a bachelor's degree or higher; and
 - (iv) demonstrates a high level of mathematics competency by:
 - (A) successfully completing substantial course work in mathematics; and
 - (B) passing a mathematics content exam; or
 - (b) a stipend, professional development, and leadership opportunities to an experienced mathematics teacher who demonstrates high content knowledge and exemplary teaching and leadership skills to assist the teacher in becoming a teacher leader.
- (11)
- (a) The board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that establish criteria for awarding grants under this section.
 - (b) In awarding grants, the board shall consider the amount or percent of matching funds provided by the grant recipient.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 22, 2018 General Session

53F-5-206 Grant awards for elementary suicide prevention programs.

- (1) To foster suicide prevention, resiliency, and anti-bullying programs in elementary schools, the public education suicide prevention coordinator, described in Section 53G-9-702, shall award grants to elementary schools.
- (2) A grant award may not exceed \$500 per school per year.
- (3) The application for a grant shall contain:
 - (a) a requested award amount;
 - (b) a budget; and
 - (c) a narrative plan of the suicide prevention, resiliency, or anti-bullying program.
- (4) When awarding a grant under this section, the public education suicide prevention coordinator shall consider:
 - (a) the content of a grant application; and
 - (b) whether an application is submitted in the manner and form prescribed.
- (5) Each elementary school applicant may select a program, including a peer-to-peer program or a curriculum-based program, that the applicant determines is appropriate for the elementary school.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 414, 2018 General Session

53F-5-207 Intergenerational Poverty Interventions Grant Program -- Definitions -- Grant requirements -- Reporting requirements.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.

- (b) "Eligible student" means a student who is classified as a child affected by intergenerational poverty.
- (c) "Intergenerational poverty" has the same meaning as in Section 35A-9-102.
- (d) "Local Education Agency" or "LEA" means a school district or charter school.
- (e) "Program" means the Intergenerational Poverty Interventions Grant Program created in Subsection (2).
- (2) The Intergenerational Poverty Interventions Grant Program is created to provide grants to eligible LEAs to fund additional educational opportunities at eligible LEAs, for eligible students, outside of the regular school day offerings.
- (3) Subject to future budget constraints, the board shall distribute to LEAs money appropriated for the program in accordance with this section.
- (4) The board shall:
 - (a) solicit proposals from local education boards to receive money under the program; and
 - (b) award grants to a local education board on behalf of an LEA based on criteria described in Subsection (5).
- (5) In awarding a grant under Subsection (4), the board shall consider:
 - (a) the percentage of an LEA's students that are classified as children affected by intergenerational poverty;
 - (b) the level of administrative support and leadership at an eligible LEA to effectively implement, monitor, and evaluate the program; and
 - (c) an LEA's commitment and ability to work with the Department of Workforce Services, the Department of Health, the Department of Human Services, and the juvenile courts to provide services to the LEA's eligible students.
- (6) To receive a grant under the program on behalf of an LEA, a local education board shall submit a proposal to the board detailing:
 - (a) the LEA's strategy to implement the program, including the LEA's strategy to improve the academic achievement of children affected by intergenerational poverty;
 - (b) the LEA's strategy for coordinating with and engaging the Department of Workforce Services to provide services for the LEA's eligible students;
 - (c) the number of students the LEA plans to serve, categorized by age and intergenerational poverty status;
 - (d) the number of students, eligible students, and schools the LEA plans to fund with the grant money; and
 - (e) the estimated cost per student.
- (7)
 - (a) The board shall annually report to the Utah Intergenerational Welfare Reform Commission, created in Section 35A-9-301, by November 30 of each year, on:
 - (i) the progress of LEA programs using grant money;
 - (ii) the progress of LEA programs in improving the academic achievement of children affected by intergenerational poverty; and
 - (iii) the LEA's coordination efforts with the Department of Workforce Services, the Department of Health, the Department of Human Services, and the juvenile courts.
 - (b) The board shall provide the report described in Subsection (7)(a) to the Education Interim Committee upon request.
 - (c) An LEA that receives grant money pursuant to this section shall provide to the board information that is necessary for the board's report described in Subsection (7)(a).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-208 Reading Performance Improvement Scholarship Program.

- (1) There is established a Reading Performance Improvement Scholarship Program to assist selected elementary teachers in obtaining a reading endorsement so that they may help improve the reading performance of students in their classes.
- (2) The State Board of Education shall award scholarships of up to \$500 to each recipient under the program.
- (3) The board shall give weighted consideration to scholarship applicants who:
 - (a) teach in grades kindergarten through three;
 - (b) are designated by their schools as, or are seeking the designation of, reading specialist; and
 - (c) teach in a rural area of the state.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall provide by rule for:
 - (a) the application procedure for the scholarship; and
 - (b) what constitutes a reading specialist at the elementary school level.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-209 Grants for school-based mental health supports.

- (1) As used in this section:
 - (a) "Board" means the State Board of Education.
 - (b) "Elementary school" means a school that includes any one or all of grades kindergarten through grade 6.
 - (c) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
 - (d) "Local education agency" or "LEA" means a school district, charter school, or Utah Schools for the Deaf and the Blind.
 - (e) "Qualifying personnel" means a school counselor or school social worker who:
 - (i) is licensed by the board; and
 - (ii) collaborates with educators and a student's family or guardian on:
 - (A) early identification and intervention of a student's academic and mental health needs; and
 - (B) removing barriers to learning and developing skills and behaviors critical for a student's academic achievement.
- (2) Subject to legislative appropriations and Subsection (3), the board shall award a grant to an LEA to provide targeted school-based mental health support in an elementary school, including trauma-informed care, through employment of qualifying personnel.
- (3) In awarding a grant under this section, the board shall give:
 - (a) first priority to an LEA that proposes to target funds to one or more elementary schools with a high percentage of students exhibiting risk factors for childhood trauma; and
 - (b) second priority to an LEA that proposes to target funds to one or more elementary schools with a high percentage of students experiencing intergenerational poverty.
- (4) To qualify for a grant, an LEA shall:
 - (a) submit an application to the board that includes:
 - (i) measurable goals on improving student safety, student engagement, school culture, and academic achievement; and
 - (ii) how the LEA intends to meet goals submitted under Subsection (4)(a)(i) through the use of the grant funds; and
 - (b) provide local funds to match grant funds received under this section in an amount equal to one-half of the amount of the grant funds.

- (5) An LEA may not replace federal, state, or local funds previously allocated to employ qualified personnel with funds distributed under this section.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules specifying:
 - (a) procedures for applying for and awarding grants under this section, including:
 - (i) a definition of risk factors for childhood trauma;
 - (ii) the duration of a grant; and
 - (iii) a schedule for submission of matching grant funds; and
 - (b) annual reporting requirements for grantees in accordance with Subsection (7).
- (7) An LEA that receives a grant under this section shall submit an annual report to the board, including:
 - (a) progress toward achieving the goals submitted under Subsection (4)(a)(i); and
 - (b) if the LEA decides to discontinue the qualifying personnel position, the LEA's reason for discontinuing the position.
- (8) Beginning on or before July 1, 2019, the board shall provide training that instructs educators on the impact of trauma on student learning, including information advising educators against practicing medicine, giving a diagnosis, or providing treatment.

Enacted by Chapter 412, 2018 General Session

53F-5-210 Educational Improvement Opportunities Outside of the Regular School Day Grant Program.

- (1) As used in this section:
 - (a) "Applicant" means an LEA, private provider, nonprofit provider, or municipality that provides an existing program and applies for a grant under the provisions of this section.
 - (b) "Board" means the State Board of Education.
 - (c) "Existing program" means a currently funded and operating program, as described in Subsections 53E-3-508(1)(a) and (b).
 - (d) "Grant program" means the Educational Improvement Opportunities Outside of the Regular School Day Grant Program created in Subsection (2).
 - (e) "Grantor" means:
 - (i) for an LEA that receives a grant under this section, the board; or
 - (ii) for a private provider, nonprofit provider, or municipality that receives a grant under this section, the Department of Workforce Services.
 - (f) "Local education agency" or "LEA" means a school district or charter school.
- (2) There is created the Educational Improvement Opportunities Outside of the Regular School Day Grant Program to provide grant funds for an existing program to improve and develop the existing program in accordance with the high quality standards described in Section 53E-3-508.
- (3) Subject to legislative appropriation and in accordance with Subsection (7):
 - (a) the board shall:
 - (i) solicit LEA applications to receive a grant under this section; and
 - (ii) award a grant based on the criteria described in Subsection (5); and
 - (b) the Department of Workforce Services shall:
 - (i) solicit private provider, nonprofit provider, or municipality applications to receive a grant under this section; and
 - (ii) award a grant based on the criteria described in Subsection (5).
- (4) To receive a grant under this section, an applicant shall submit a proposal to the grantor describing:

- (a) how the applicant proposes to develop and improve the existing program to meet the standards described in Section 53E-3-508;
 - (b) information necessary for the board to determine the impact of the applicant's program on the academic performance of participating students;
 - (c) the total number of students the applicant proposes to serve through the existing program;
 - (d) the estimated percentage of the students described in Subsection (4)(c) who qualify for free or reduced lunch; and
 - (e) the estimated cost of the applicant's existing program, per student.
- (5) In awarding a grant under Subsection (3), the grantor shall consider:
- (a) how an applicant's existing program proposes to meet the standards described in Section 53E-3-508; and
 - (b) the percentage of students in that program who qualify for free and reduced lunch.
- (6) An applicant that receives a grant under this section shall:
- (a) use the grant to improve an existing program in accordance with the standards described in Section 53E-3-508; and
 - (b) annually report to the grantor:
 - (i) the number of students served by the existing program;
 - (ii) the academic outcomes that the program is expected to have on participating students;
 - (iii) program attendance rates of participating students; and
 - (iv) other information required by the grantor.
- (7)
- (a) To receive a distribution of grant money under this section, an applicant shall identify and certify the availability of private matching funds in the amount of the grant to be distributed to the applicant.
 - (b) Neither the board nor the Department of Workforce Services shall be expected to seek private matching funds for this grant program.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to administer this section that include:
- (a) specific criteria to determine academic performance;
 - (b) application and reporting procedures; and
 - (c) criteria for an existing program to qualify for a grant under this section.
- (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Department of Workforce Services shall make rules to administer the grant program as described in Subsection (3)(b).
- (10) In accordance with 34 C.F.R. Sec. 99.35, the board shall designate the Department of Workforce Services as an authorized representative for the purpose of sharing student data and evaluating and reporting the impact and effectiveness of the grant program.
- (11) The board and the Department of Workforce Services may utilize up to 10% of the funds appropriated for administrative costs associated with the grant program and the report described in Subsection (12).
- (12) The board shall report to the Education Interim Committee before November 30, 2019, regarding:
- (a) the grant program's effect on the quality of existing programs that participate in the grant program; and
 - (b) the impact of the existing programs on the academic performance of participating students.

Enacted by Chapter 358, 2018 General Session

53F-5-211 Rural school transportation reimbursement.

- (1) As used in this section:
- (a) "Eligible school" means a district school or a charter school:
 - (i) that is located in a county of the fourth, fifth, or sixth class, as defined in Section 17-50-501;
 - (ii) in which at least 65% of the students enrolled in the school qualify for free or reduced price lunch; and
 - (iii) that has provided transportation to and from the school for a regular school day for students for at least five years.
 - (b) "Local board" means:
 - (i) for a school district, the local school board; or
 - (ii) for a charter school, the charter school governing board.
- (2) A local board may annually submit a request to the State Board of Education to receive reimbursement for an expense that:
- (a) the local board incurs transporting a student to or from an eligible school for the regular school day; and
 - (b) the local board does not pay using state funding for pupil transportation described in Section 53F-2-402 or 53F-2-403.
- (3)
- (a) Subject to legislative appropriations, and except as provided in Subsection (3)(b), the State Board of Education shall reimburse a local school board for an expense included in a request described in Subsection (2).
 - (b) If the legislative appropriation for this section is insufficient to fund an expense in a request received under Subsection (2), the State Board of Education may reduce a local school board's reimbursement in accordance with the rules described in Subsection (4).
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules that establish:
- (a) requirements for information a local school board shall include in a reimbursement request described in Subsection (2);
 - (b) a deadline by which a local school board shall submit a request described in Subsection (2); and
 - (c) a formula for reducing a local school board's allocation under Subsection (3).
- (5) Nothing in this section affects a school district's allocation for pupil transportation under Sections 53F-2-402 and 53F-2-403.

Enacted by Chapter 441, 2018 General Session

Part 3
High Quality School Readiness Program

53F-5-301 Definitions.

As used in this part:

- (1) "Board" means the State Board of Education.
- (2) "Child Development Associate Credential" means a credential in early childhood education that is:
 - (a) based on a core set of competency standards; and
 - (b) nationally recognized.

- (3) "Department" means the Department of Workforce Services.
- (4) "Economically disadvantaged child" means a child who:
 - (a) is in a family that is eligible for assistance through TANF; or
 - (b) is eligible for free or reduced lunch.
- (5) "Eligible home-based technology provider" means a provider that offers a home-based educational technology program to develop the school readiness skills of an eligible student.
- (6) "Eligible private provider" means the same as that term is defined in Section 53F-6-301.
- (7) "Eligible student" means an individual who:
 - (a) will be four years of age on or before September 2 of the school year in which the individual intends to participate in a school readiness program;
 - (b) has not entered kindergarten; and
 - (c)
 - (i) is experiencing intergenerational poverty, as determined by the department; or
 - (ii)
 - (A) is an economically disadvantaged child; and
 - (B) is at risk for not meeting grade 3 core standards for Utah public schools, established by the State Board of Education under Section 53E-4-202, by the end of the individual's grade 3 year, as determined by an assessment.
- (8) "High quality school readiness program" means a school readiness program that:
 - (a) is provided by an LEA, eligible private provider, or eligible home-based technology provider; and
 - (b) meets the elements of a high quality school readiness program described in Section 53F-6-304 as determined by the board or the department under Section 53F-5-303, 53F-5-304, or 53F-5-305.
- (9) "Intergenerational poverty" means the same as that term is defined in Section 35A-9-102.
- (10) "Intergenerational poverty scholarship" or "IGP scholarship" means a scholarship to attend a high quality school readiness program for an eligible student who is experiencing intergenerational poverty.
- (11) "Local education agency" or "LEA" means a:
 - (a) school district; or
 - (b) charter school.
- (12) "TANF" means Temporary Assistance for Needy Families, described in 42 U.S.C. Sec. 601 et seq.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-302 Administration of programs.

- (1) The State Board of Education, in collaboration with the department, shall:
 - (a) administer the grant program described in Section 53F-5-303 for LEAs;
 - (b) administer the grant program for eligible home-based technology providers described in Section 53F-5-304; and
 - (c) oversee the evaluation described in Section 53F-5-307.
- (2) The department, in collaboration with the board, shall administer:
 - (a) the grant program described in Section 53F-5-303 for eligible private providers;
 - (b) the Intergenerational Poverty School Readiness Scholarship Program described in Section 53F-5-305; and
 - (c) early childhood teacher training described in Section 53F-5-306.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-303 Student Access to High Quality School Readiness Programs Grant Program -- Determination of high quality school readiness program-- Reporting requirement -- Fees.

- (1) There is created the Student Access to High Quality School Readiness Programs Grant Program to expand access to high quality school readiness programs for eligible students through:
 - (a) grants for LEAs administered by the board; and
 - (b) grants for eligible private providers administered by the department.
- (2) The board, in coordination with the department, shall develop a tool to determine whether a school readiness program is a high quality school readiness program.
- (3)
 - (a) The board shall solicit proposals from LEAs to fund increases in the number of eligible students high quality school readiness programs can serve.
 - (b) The department shall solicit proposals from eligible private providers to fund increases in the number of eligible students high quality school readiness programs can serve.
- (4)
 - (a) Except as provided in Subsection (4)(c), a respondent shall submit a proposal that includes the information described in Subsection (4)(b):
 - (i) to the board, for a respondent that is an LEA; or
 - (ii) to the department, for a respondent that is an eligible private provider.
 - (b) A respondent's proposal for the grant solicitation described in Subsection (3) shall include:
 - (i) the respondent's existing and proposed school readiness program, including:
 - (A) the number of students served by the respondent's school readiness program;
 - (B) the respondent's policies and procedures for admitting students into the school readiness program;
 - (C) the estimated cost per student; and
 - (D) any fees the respondent charges to a parent or legal guardian for the school readiness program;
 - (ii) the respondent's plan to use funding sources, in addition to a grant described in this section, including:
 - (A) federal funding; or
 - (B) private grants or donations;
 - (iii) existing or planned partnerships between the respondent and an LEA, eligible private provider, or eligible home-based technology provider to increase access to high quality school readiness programs for eligible students;
 - (iv) how the respondent would use a grant to:
 - (A) expand the number of eligible students served by the respondent's school readiness program; and
 - (B) target the funding toward the highest risk students, including addressing the particular needs of children at risk of experiencing intergenerational poverty;
 - (v) how the respondent's school readiness program is a high quality school readiness program; and
 - (vi) the results of any evaluations of the respondent's school readiness program.
 - (c) In addition to the requirements described in Subsection (4)(b), a respondent that is an LEA shall describe in the respondent's proposal the percentage of the respondent's kindergarten through grade 12 students who are economically disadvantaged children.
- (5)

- (a) For each LEA proposal received in response to the solicitation described in Subsection (3) (a), the board shall determine if the LEA school readiness program is a high quality school readiness program by:
 - (i) applying the tool described in Subsection (2); and
 - (ii) conducting at least one site visit to the program.
- (b) For each eligible private provider proposal received in response to the solicitation described in Subsection (3)(b), the department shall determine if the school readiness program is a high quality school readiness program by:
 - (i) applying the tool described in Subsection (2); and
 - (ii) conducting at least one site visit to the program.
- (6)
 - (a) Subject to legislative appropriations and Subsection (6)(b), the board shall award grants, on a competitive basis, to respondents that are LEAs.
 - (b) The board may only award a grant to an LEA if:
 - (i) the LEA submits a proposal that includes the information required under Subsection (4);
 - (ii) the board determines that the LEA's program is a high quality school readiness program as described in Subsection (5); and
 - (iii) the LEA agrees to the evaluation requirements described in Section 53F-5-307.
- (7)
 - (a) Subject to legislative appropriations and Subsection (7)(b), the department shall award grants, on a competitive basis, to respondents that are eligible private providers.
 - (b) The department may only award a grant to a respondent if:
 - (i) the respondent submits a proposal that includes the information required under Subsection (4);
 - (ii) the department determines that the respondent's school readiness program is a high quality school readiness program as described in Subsection (5); and
 - (iii) the respondent agrees to the evaluation requirements described in Section 53F-5-307.
- (8) In evaluating a proposal received in response to the solicitation described in Subsection (3), the board and the department shall consider:
 - (a) the number and percent of students in the respondent's high quality school readiness program that are eligible students at the highest risk;
 - (b) geographic diversity, including whether the respondent is urban or rural;
 - (c) the extent to which the respondent intends to participate in a partnership with an LEA, eligible private provider, or eligible home-based technology provider; and
 - (d) the respondent's level of administrative support and leadership to effectively implement, monitor, and evaluate the program.
- (9)
 - (a) The board shall ensure that an LEA that receives a grant under this section funded by TANF funds uses the grant to provide a high quality school readiness program for eligible students who are eligible to receive assistance through TANF.
 - (b) The department shall ensure that a private provider that receives a grant under this section funded by TANF funds uses the grant to provide a high quality school readiness program for eligible students who are eligible to receive assistance through TANF.
- (10) A respondent that receives a grant under this section shall:
 - (a) use the grant to expand access for eligible students to high quality school readiness programs by enrolling eligible students in a high quality school readiness program;
 - (b) report to the board annually regarding:
 - (i) how the respondent used the grant awarded under Subsection (6) or (7);

- (ii) participation in any partnerships between an LEA, eligible private provider, or eligible home-based technology provider; and
 - (iii) the results of any evaluations;
 - (c) allow classroom or other visits by an independent evaluator selected by the board under Section 53F-5-307; and
 - (d) for a respondent that is an LEA, notify a parent or legal guardian who expresses interest in enrolling the parent or legal guardian's child in the LEA's high quality school readiness program of each state-funded high quality school readiness program operating within the LEA's geographic boundaries.
- (11) An LEA that receives a grant under this section may charge a student fee to participate in an LEA's school readiness program if:
- (a) the LEA's local school board or charter school governing board approves the fee;
 - (b) the fee for a student does not exceed the actual cost of providing the high quality school readiness program to the student; and
 - (c) the fee structure for the program is designed on a sliding scale, based on household income.
- (12)
- (a) The board shall establish interventions for a grantee that is an LEA that fails to comply with the requirements described in this section.
 - (b) The department shall establish interventions for a grantee that is an eligible private provider that fails to comply with the requirements described in this section.
 - (c) An intervention under this Subsection (12) may include discontinuing or reducing funding.
- (13) Subject to legislative appropriations, the board and the department shall give first priority in awarding grants to a respondent that has previously received a grant under this section if the respondent:
- (a) makes the annual report described in Subsection (9)(b);
 - (b) participates in the annual evaluation described in Section 53F-5-307; and
 - (c) continues to offer a high quality school readiness program as determined during an annual site visit by:
 - (i) the board, for an LEA; or
 - (ii) the department, for an eligible private provider.
- (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
- (a) the board shall make rules to:
 - (i) implement the tool described in Subsection (2); and
 - (ii) administer the grant program for LEAs described in this section; and
 - (b) the department shall make rules to administer the grant program for eligible private providers described in this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-304 Home-based technology high quality school readiness program.

- (1)
- (a) The board shall offer a home-based technology high quality school readiness program to eligible students by awarding contracts to one or more home-based technology providers, as described in this section.
 - (b) The board shall solicit proposals from eligible home-based technology providers to provide high quality school readiness programs for eligible students to participate in:
 - (i) at home;
 - (ii) as part of a school readiness program offered by an LEA or private provider; or

- (iii) in any other setting where Internet access is available, such as a library.
- (c) The home-based technology high quality school readiness program described in this section is established in the public education system.
- (2) An eligible home-based technology provider that responds to the solicitation described in Subsection (1) shall submit a proposal describing:
 - (a) how the home-based technology provider's school readiness program meets the elements of a high quality school readiness program described in Subsection 53F-6-304(2);
 - (b) how the home-based technology provider intends to target the home-based technology provider's school readiness program to eligible students who are at the highest risk, as determined by the board;
 - (c) the cost of the program per student;
 - (d) the cost of a statewide license;
 - (e) existing or planned partnerships between the home-based technology provider and an LEA or eligible private provider; and
 - (f) the results of all evaluations of the home-based technology provider's school readiness program.
- (3) For each proposal received under Subsection (2), the board shall:
 - (a) determine if the program is a high quality school readiness program using the tool described in Subsection 53F-5-303(2); and
 - (b) receive a demonstration of the home-based technology.
- (4)
 - (a) Subject to legislative appropriations, and in accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall award contracts to one or more home-based technology providers to provide home-based school readiness programs.
 - (b) The board may only award a contract to a home-based technology provider if the home-based technology provider:
 - (i) submits a proposal that includes the information described in Subsection (2);
 - (ii) offers a high quality school readiness program; and
 - (iii) agrees to the evaluation requirements described in Section 53F-5-307.
- (5) In evaluating a proposal received under Subsection (2), the board shall consider:
 - (a) the number and percent of eligible students that the respondent intends to serve;
 - (b) the extent to which the respondent intends to participate in a partnership with an LEA or eligible private provider;
 - (c) the extent to which the respondent is able to reach students who do not have access to other high quality school readiness programs; and
 - (d) the cost per student.
- (6) A home-based technology provider that receives a contract under this section:
 - (a) shall use the funding to provide a high quality school readiness program to eligible students; and
 - (b) may use the funding for the installation of computer or Internet access in homes of eligible students whose families cannot afford the equipment or services.
- (7) The board shall ensure that a home-based technology provider that receives a grant under this section funded by TANF funds uses the grant to provide a home-based high quality school readiness program to eligible students who are eligible to receive TANF funded assistance.
- (8) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to implement this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-305 Intergenerational Poverty School Readiness Scholarship Program.

- (1) There is created the Intergenerational Poverty School Readiness Scholarship Program to provide an eligible student experiencing intergenerational poverty access to a high quality school readiness program.
- (2) The department shall, in accordance with Section 35A-9-401:
 - (a) determine if an individual is eligible for an IGP scholarship; and
 - (b) award an IGP scholarship.
- (3)
 - (a)
 - (i) An LEA or home-based technology provider may apply to the board to receive a designation as a high quality school readiness program.
 - (ii) The board shall determine if an LEA or home-based technology provider offers a high quality school readiness program using the tool described in Subsection 53F-5-303(2).
 - (b)
 - (i) An eligible private provider may apply to the department to receive a designation as a high quality school readiness program.
 - (ii) The department shall determine if an eligible private provider offers a high quality school readiness program using the tool described in Subsection 53F-5-303(2).
- (4)
 - (a) The department and the board shall coordinate to assist a parent or legal guardian of a recipient of an IGP scholarship to enroll the IGP scholarship recipient in a high quality school readiness program:
 - (i) offered by an LEA, eligible private provider, or eligible home-based technology provider; and
 - (ii) of the parent or legal guardian's choice.
 - (b) The department shall pay the scholarship amount directly to a high quality school readiness program in which an IGP scholarship recipient enrolls.
- (5)
 - (a) Except as provided in Subsection (5)(b), the department may not provide an individual's IGP scholarship to an LEA, eligible private provider, or eligible home-based technology provider unless the LEA, eligible private provider, or eligible home-based technology provider offers a high quality school readiness program, as determined by the board or the department under Subsection (3).
 - (b) An LEA, eligible private provider, or eligible home-based technology provider that receives a determination as a high quality school readiness program under Section 53F-5-303 or 53F-5-305 may enroll an IGP scholarship recipient.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-306 Early childhood teacher training.

- (1) Subject to legislative appropriations, the department shall provide training to early childhood teachers by providing:
 - (a) a scholarship for individuals who intend to receive a Child Development Associate Credential; and
 - (b) consulting services to assist individuals to complete a Child Development Associate Credential.
- (2) The department shall conduct an annual needs assessment to determine the number of scholarships to award each year.

- (3) The department shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement this section.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-307 Evaluation -- Reporting requirements.

- (1) In accordance with this section, the board, in coordination with the department, shall oversee the ongoing review and evaluation by an independent evaluator for each school year of:
- (a) the Student Access to High Quality School Readiness Programs Grant Program described in Section 53F-5-303;
 - (b) the home-based technology high quality school readiness program described in Section 53F-5-304;
 - (c) the Intergenerational Poverty School Readiness Scholarship Program described in Section 53F-5-305; and
 - (d) early childhood teacher training described in Section 53F-5-306.
- (2)
- (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall enter into a contract with an independent evaluator to assist the board in the evaluation process.
 - (b) In selecting an independent evaluator, the board shall select an evaluator that:
 - (i) has the capacity to meet the requirements described in Subsection (3);
 - (ii) has a background in designing and conducting rigorous evaluations;
 - (iii) has a demonstrated ability to monitor and evaluate a program over an extended period of time;
 - (iv) is independent from agencies or providers implementing high quality school readiness programs funded under this part; and
 - (v) has experience in early childhood education or early childhood education evaluation.
 - (c) The board may not enter into a contract with an independent evaluator without obtaining approval from the department.
- (3) Under the direction of the board, with input from the department, the independent evaluator selected under Subsection (2) shall:
- (a) design an evaluation methodology that:
 - (i) assesses the effects of a high quality school readiness program on an eligible student's:
 - (A) readiness for kindergarten, using a uniform assessment methodology that includes a pre- and post-test chosen in coordination with the board;
 - (B) ability, as determined by following the student longitudinally, to meet grade 3 core standards for Utah public schools, established by the board under Section 53E-4-202, by the end of the student's grade 3 year; and
 - (C) attainment of a high school diploma or other completion certificate, as determined by following the student longitudinally; and
 - (ii) allows for comparisons between students with similar demographic characteristics who complete a high quality school readiness program and students who do not; and
 - (b) conduct an annual evaluation of the programs described in Subsection (1).
- (4) To assist the independent evaluator selected under Subsection (2) in completing the evaluation required under Subsection (3):
- (a) an LEA that receives a grant under Section 53F-5-303, or enrolls an IGP scholarship recipient under Section 53F-5-305, shall assign a statewide unique student identifier to each student who participates in the LEA's school readiness program;

- (b) an eligible private provider that receives a grant described in Section 53F-5-303 or an eligible home-based technology provider that receives a contract described in Section 53F-5-304 shall work in conjunction with the board to assign a statewide unique student identifier to each student who is enrolled in the provider's school readiness program in the student's last year before kindergarten; and
 - (c) an eligible private provider or eligible home-based technology provider that receives an IGP scholarship under Section 53F-5-305 shall work in conjunction with the board to assign a statewide unique student identifier to each student who is funded by an IGP scholarship.
- (5) The board and the department shall report annually, on or before November 1, to the Education Interim Committee on the results of an evaluation conducted under this section.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 4

Partnerships for Student Success Grant Program

53F-5-401 Definitions.

As used in this part:

- (1) "Board" means the State Board of Education.
- (2) "Eligible elementary school" or "eligible junior high school" means a district school or charter school that has at least 50% of the school's students with a family income at or below 185% of the federal poverty level.
- (3) "Eligible partnership" means a partnership that:
 - (a) includes at least:
 - (i) a local education agency that has designated an eligible school feeder pattern;
 - (ii) a local nonprofit organization;
 - (iii) a private business;
 - (iv) a municipality or county in which the eligible school feeder pattern is located;
 - (v) an institution of higher education within the state;
 - (vi) a state or local government agency that provides services to students attending schools within the eligible school feeder pattern;
 - (vii) a local philanthropic organization; and
 - (viii) a local health care organization; and
 - (b) has designated a local education agency or local nonprofit organization to act as lead applicant for a grant described in this part.
- (4) "Eligible school feeder pattern" means the succession of schools that a student enrolls in as the student progresses from kindergarten through grade 12 that includes, as designated by a local education agency:
 - (a) a high school;
 - (b) an eligible junior high school that:
 - (i) is a district school within the geographic boundary of the high school described in Subsection (4)(a); or
 - (ii) is a charter school that sends at least 50% of the charter school's students to the high school described in Subsection (4)(a); and
 - (c) an eligible elementary school that:

- (i) is a district school within the geographic boundary of the high school described in Subsection (4)(a); or
 - (ii) is a charter school that sends at least 50% of the charter school's students to the junior high school described in Subsection (4)(b).
- (5) "Local education agency" means a school district or charter school.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-402 Partnerships for Student Success Grant Program established.

- (1) There is created the Partnerships for Student Success Grant Program to improve educational outcomes for low income students through the formation of cross sector partnerships that use data to align and improve efforts focused on student success.
- (2) Subject to legislative appropriations, the board shall award grants to eligible partnerships that enter into a memorandum of understanding between the members of the eligible partnership to plan or implement a partnership that:
 - (a) establishes shared goals, outcomes, and measurement practices based on unique community needs and interests that:
 - (i) are aligned with the recommendations of the five- and ten-year plan to address intergenerational poverty described in Section 35A-9-303; and
 - (ii) address, for students attending a school within an eligible school feeder pattern:
 - (A) kindergarten readiness;
 - (B) grade 3 mathematics and reading proficiency;
 - (C) grade 8 mathematics and reading proficiency;
 - (D) high school graduation;
 - (E) postsecondary education attainment;
 - (F) physical and mental health; and
 - (G) development of career skills and readiness;
 - (b) coordinates and aligns services to:
 - (i) students attending schools within an eligible school feeder pattern; and
 - (ii) the families and communities of the students within an eligible school feeder pattern;
 - (c) implements a system for:
 - (i) sharing data to monitor and evaluate shared goals and outcomes, in accordance with state and federal law; and
 - (ii) accountability for shared goals and outcomes; and
 - (d) commits to providing matching funds as described in Section 53F-5-403.
- (3) In making grant award determinations, the board shall prioritize funding for an eligible partnership that:
 - (a) includes a low performing school as determined by the board; or
 - (b) addresses parent and community engagement.
- (4) In awarding grants under this part, the board:
 - (a) shall distribute funds to the lead applicant designated by the eligible partnership as described in Section 53F-5-401; and
 - (b) may not award more than \$500,000 per fiscal year to an eligible partnership.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-403 Matching funds -- Grantee requirements.

- (1)

- (a) The board may not award a grant to an eligible partnership unless the eligible partnership provides matching funds equal to two times the amount of the grant.
- (b) The board shall ensure that at least half of the matching funds provided under Subsection (1)(a) are provided by a local education agency.
- (c) Matching funds may include cash or an in-kind contribution.
- (2) A partnership that receives a grant under this part shall:
 - (a) select and contract with a technical assistance provider identified by the board as described in Section 53F-5-404;
 - (b) continually assess progress toward reaching shared goals and outcomes;
 - (c) publish results of the continual assessment described in Subsection (2)(b) on an annual basis;
 - (d) regularly report to the board in accordance with rules established by the board under Section 53F-5-406; and
 - (e) as requested, share information and data with the third party evaluator described in Section 53F-5-405, in accordance with state and federal law.
- (3) A partnership that receives a grant under this part may use grant funds only for the following purposes:
 - (a) to contract with a technical assistance provider identified by the board as described in Section 53F-5-404; and
 - (b) to plan or implement a partnership, including:
 - (i) for project management;
 - (ii) for planning and adaptation of services and strategies;
 - (iii) to coordinate services;
 - (iv) to establish and implement shared measurement practices;
 - (v) to produce communication materials and conduct outreach activities to build public support;
 - (vi) to establish data privacy and sharing agreements, in accordance with state and federal law;
 - (vii) to purchase infrastructure, hardware, and software to collect and store data; or
 - (viii) to analyze data.
- (4)
 - (a) The board shall establish interventions for a partnership that:
 - (i) fails to comply with the requirements described in this section; or
 - (ii) is not making progress toward reaching the shared goals and outcomes established by the partnership as described in Section 53F-5-402.
 - (b) An intervention under Subsection (4)(a) may include discontinuing or reducing funding.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-404 Technical assistance.

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall identify two or more technical assistance providers that a partnership may select from to assist the partnership in:
 - (a) establishing shared goals, outcomes, and measurement practices;
 - (b) creating the capabilities to achieve shared goals and outcomes that may include providing leadership development training to members of the partnership; and
 - (c) using data to align and improve efforts focused on student success.
- (2) In identifying technical assistance providers under this section the board shall identify providers that have a credible track record of providing technical assistance as described in Subsection (1).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-405 Independent evaluation -- Reporting.

- (1) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall contract with an independent evaluator to annually evaluate a partnership that receives a grant under this part.
- (2) The evaluation described in Subsection (1) shall:
 - (a) assess implementation of a partnership, including the extent to which members of a partnership:
 - (i) share data to align and improve efforts focused on student success; and
 - (ii) meet regularly and communicate authentically; and
 - (b) assess the impact of a partnership on student outcomes using appropriate statistical evaluation methods.
- (3) In identifying an independent evaluator under Subsection (1), the board shall identify an evaluator that:
 - (a) has a credible track record of conducting evaluations as described in Subsection (2); and
 - (b) is independent of any member of the partnership and does not otherwise have a vested interest in the outcome of the evaluation.
- (4) Beginning in the 2017-18 school year, the board shall ensure that the independent evaluator:
 - (a) prepares an annual written report of an evaluation conducted under this section; and
 - (b) annually submits the report to the Education Interim Committee.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-406 Rules.

In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to administer the Partnerships for Student Success Grant Program in accordance with this part.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 5

Competency-Based Education Grants Program

53F-5-501 Definitions.

As used in this part:

- (1) "Blended learning" means a formal education program in which a student learns:
 - (a) at least in part, through online learning with some element of student control over time, place, path, and pace;
 - (b) at least in part, in a supervised brick-and-mortar location away from home; and
 - (c) in a program in which the modalities along each student's learning path within a course or subject are connected to provide an integrated learning experience.
- (2) "Board" means the State Board of Education.

- (3) "Competency-Based education" means a system where a student advances to higher levels of learning when the student demonstrates competency of concepts and skills regardless of time, place, or pace.
- (4) "Extended learning" means learning opportunities outside of a traditional school structure, including:
 - (a) online learning available anywhere, anytime;
 - (b) career-based experiences, including internships and job shadowing;
 - (c) community-based projects; and
 - (d) off-site postsecondary learning.
- (5) "Grant program" means the Competency-Based Education Grants Program created in this part.
- (6) "Institution of higher education" means an institution listed in Section 53B-1-102.
- (7) "Local education agency" or "LEA" means:
 - (a) a school district;
 - (b) a charter school; or
 - (c) the Utah Schools for the Deaf and the Blind.
- (8) "Review committee" means the committee established under Section 53F-5-502.
- (9) "STEM" means science, technology, engineering, and mathematics.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-502 Competency-Based Education Grants Program -- Board duties -- Review committee -- Technical assistance training.

- (1) There is created the Competency-Based Education Grants Program consisting of the grants created in this part to improve educational outcomes in public schools by advancing student mastery of concepts and skills through the following core principles:
 - (a) student advancement upon mastery of a concept or skill;
 - (b) competencies that include explicit, measurable, and transferable learning objectives that empower a student;
 - (c) assessment that is meaningful and provides a positive learning experience for a student;
 - (d) timely, differentiated support based on a student's individual learning needs; and
 - (e) learning outcomes that emphasize competencies that include application and creation of knowledge along with the development of important skills and dispositions.
- (2) The grant program shall incentivize an LEA to establish competency-based education within the LEA through the use of:
 - (a) personalized learning;
 - (b) blended learning;
 - (c) extended learning;
 - (d) educator professional learning in competency-based education; or
 - (e) any other method that emphasizes the core principles described in Subsection (1).
- (3) The board shall:
 - (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, adopt rules:
 - (i) for the administration of the grant program and awarding of grants; and
 - (ii) to define outcome-based measures appropriate to the type of grant for an LEA that is awarded a grant under this part to use to measure the performance of the LEA's plan or program;
 - (b) establish a grant application process;
 - (c) in accordance with Subsection (4), establish a review committee to make recommendations to the board for:

- (i) metrics to analyze the quality of a grant application; and
 - (ii) approval of a grant application; and
 - (d) with input from the review committee, adopt metrics to analyze the quality of a grant application.
- (4)
- (a) The review committee shall consist of STEM and blended learning experts, current and former school administrators, current and former teachers, and at least one former school district superintendent, in addition to other staff designated by the board.
 - (b) The review committee shall:
 - (i) review a grant application submitted by an LEA;
 - (ii) make recommendations to the LEA to modify the application, if necessary; and
 - (iii) make recommendations to the board regarding the final disposition of an application.
- (5)
- (a) The board shall provide technical assistance training to assist an LEA with a grant application under this part.
 - (b) An LEA may not apply for a grant under this part unless:
 - (i) a representative of the LEA attends the technical assistance training before the LEA submits a grant application; and
 - (ii) the representative is a superintendent, principal, or a person in a leadership position within the LEA.
 - (c) The technical assistance training shall include:
 - (i) instructions on completing a grant application, including grant application requirements;
 - (ii) information on the scoring metrics used to review a grant application; and
 - (iii) information on competency-based education.
- (6) The board may use up to 5% of an appropriation provided to fund this part for administration of the grant program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-503 Planning grants -- Requirements.

- (1)
- (a) The board shall, subject to legislative appropriations, award a planning grant to an LEA:
 - (i) that submits a planning grant application that meets the requirements established by the board, subject to Subsection (2);
 - (ii) if an LEA designee has attended the technical assistance training described in Section 53F-5-502; and
 - (iii) if the LEA planning grant application has been recommended by the review committee.
 - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than one calendar year after receiving the funds.
- (2)
- (a) A planning grant application shall include evidence that the LEA:
 - (i) can provide a general description of the program the LEA would like to plan;
 - (ii) is intending to plan for:
 - (A) schoolwide implementation; or
 - (B) if the LEA intends to implement initially with a population smaller than schoolwide, phasing the plan in schoolwide or districtwide over a specified period of time;
 - (iii) can describe the types of partners that will help with the plan and, eventually, implement the program;

- (iv) planning activities and program will focus on:
 - (A) implementation of the core principles described in Section 53F-5-502;
 - (B) use of the methods, as applicable, described in Section 53F-5-502; and
 - (C) the outcome-based measures adopted by the board under Section 53F-5-502;
 - (v) has:
 - (A) the capacity, qualifications, local governing body support, and time to successfully plan the program; and
 - (B) an intentional and feasible planning process;
 - (vi) will align the LEA's budget as necessary with the planning process; and
 - (vii) will communicate and promote the plan with parents, teachers, and members of the community.
- (b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 102, 2018 General Session

53F-5-504 Implementation grants -- Requirements.

- (1)
- (a) The board shall, subject to legislative appropriations, award an implementation grant to, subject to Subsection (1)(c), an LEA:
 - (i) that submits an implementation grant application that meets the requirements established by the board, subject to Subsection (2);
 - (ii) if an LEA designee has attended the technical assistance training described in Section 53F-5-502; and
 - (iii) if the LEA implementation grant application has been recommended by the review committee.
 - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.
 - (c) An LEA is not eligible to receive an implementation grant under this section unless the board has previously awarded the LEA a planning grant under Section 53F-5-503.
- (2)
- (a) An implementation grant application shall include evidence that the LEA:
 - (i) can logically articulate the proposed program's mission, theory of change, and the program's intended goals and outcomes;
 - (ii)
 - (A) program will have schoolwide implementation; or
 - (B) if the LEA intends to implement initially with a population smaller than schoolwide, program includes steps to phase the program in schoolwide or districtwide over a specified period of time;
 - (iii) has an understanding of similar programs and can use this knowledge to strengthen the LEA's program implementation;
 - (iv) program will focus on:
 - (A) direct alignment with the core principles described in Section 53F-5-502;
 - (B) use of the methods, as applicable, described in Section 53F-5-502; and
 - (C) the outcome based measures adopted by the board under Section 53F-5-502;
 - (v) program will address a need, determined by data, in the LEA or community;
 - (vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;

- (vii) has a list of signatures of key stakeholders and partners who are committed to implementing the program;
 - (viii) has the capacity, qualifications, local governing body support, and time to successfully implement this program;
 - (ix) has an intentional and feasible scope of work to implement the program;
 - (x) will align the LEA's budget as necessary with the planning process; and
 - (xi) will communicate and promote the plan with parents, teachers, and members of the community.
- (b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).
- (3) A program under this section may include:
- (a) a waiver, subject to Section 53F-5-506, of required school hours attended or traditional school calendar scheduling; and
 - (b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-505 Expansion grants -- Requirements.

- (1)
- (a) The board shall, subject to legislative appropriations and to expand an existing LEA program schoolwide or districtwide, award a grant to, subject to Subsection (1)(c), an LEA:
 - (i) that submits an expansion grant application that meets the requirements established by the board, subject to Subsection (2);
 - (ii) if an LEA designee has attended the technical assistance training described in Section 53F-5-502; and
 - (iii) if the LEA expansion grant application has been recommended by the review committee.
 - (b) An LEA that receives a grant under Subsection (1)(a) shall expend the grant funds no later than two calendar years after receiving the funds.
 - (c) An LEA is not eligible to receive an expansion grant under this section unless the board has previously awarded the LEA an implementation grant under Section 53F-5-504.
- (2)
- (a) An expansion grant application shall include evidence that the LEA:
 - (i) has an established program that:
 - (A) has successfully met previous goals;
 - (B) has shown outcomes that are in alignment with the core principles described in Section 53F-5-502 and used methods, as applicable, described in Section 53F-5-502;
 - (C) is supported by LEA management and leadership;
 - (D) is suitable for expansion schoolwide or districtwide; and
 - (E) is the program, with any necessary modifications, that the LEA plans to expand if awarded the expansion grant;
 - (ii) can logically articulate the LEA's program mission, theory of change, and the program's intended goals and outcomes;
 - (iii) program as proposed for expansion is focused on:
 - (A) direct alignment with the core principles identified in Section 53F-5-502;
 - (B) use of the methods, as applicable, described in Section 53F-5-502; and
 - (C) the outcome based measures adopted by the board under Section 53F-5-502;
 - (iv) that the program will directly address a need, determined by data, in the LEA or community;

- (v) has clearly articulated core components that ensure, when expanded, the program will yield positive outcomes;
 - (vi) has a strong evaluation plan that will clearly measure the success of the LEA's program against the stated goals and objectives;
 - (vii) has a list of signatures of key stakeholders and partners who are committed to expanding the program;
 - (viii) has the capacity, qualifications, local governing body support, and time to successfully expand the program;
 - (ix) has an intentional and feasible scope of work to expand the program;
 - (x) has a strategic budget that is aligned with the LEA's scope of work; and
 - (xi) will communicate and promote the plan with parents, teachers, and members of the community.
- (b) The board may adopt other requirements in addition to the requirements in Subsection (2)(a).
- (3) A program under this section may include:
- (a) a waiver, subject to Section 53F-5-506, of required school hours attended or traditional school calendar scheduling; and
 - (b) an adjustment of educator compensation to reflect the implementation of a waiver under Subsection (3)(a).

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-506 Waiver from board rule -- Board recommended statutory changes.

- (1) An LEA may apply to the board in a grant application submitted under this part for a waiver of a board rule that inhibits or hinders the LEA from accomplishing its goals set out in its grant application.
- (2) The board may grant the waiver, unless:
- (a) the waiver would cause the LEA to be in violation of state or federal law; or
 - (b) the waiver would threaten the health, safety, or welfare of students in the LEA.
- (3) If the board denies the waiver, the board shall provide in writing the reason for the denial to the waiver applicant.
- (4)
- (a) The board shall request from each LEA that receives a grant under this part for each year the LEA receives funds:
 - (i) information on a state statute that hinders an LEA from fully implementing the LEA's program; and
 - (ii) suggested changes to the statute.
 - (b) The board shall, in a written report, provide any information received from an LEA under Subsection (4)(a) and the board's recommendations to the Legislature no later than November 30 of each year.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-507 Cooperation of institutions of higher education -- Transferring students not to be penalized.

- (1) An institution of higher education:
- (a) shall recognize and accept on equal footing as a traditional high school diploma a high school diploma awarded to a student who successfully completes an educational program that uses, in whole or in part, competency-based education; and

- (b) cooperate with an LEA:
 - (i) as applicable, to facilitate the advancement of a student who attends a competency-based education program; and
 - (ii) as requested, in the development of an LEA plan or program under this part.
- (2) If a student attending an LEA that establishes competency-based education within the LEA transfers to another school within the LEA or to another LEA entirely that does not have a competency-based education program, the student may not be penalized by being required to repeat course work that the student has successfully completed, changing the student's grade, or receive any other penalty related to the student's previous attendance in the competency-based education program.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 6

American Indian and Alaskan Native Education State Plan Pilot Program

53F-5-601 Definitions.

- (1) The terms defined in Section 53E-10-401 apply to this section.
- (2) As used in this part:
 - (a) "American Indian and Alaskan Native concentrated school" means a school where at least 29% of its students are American Indian or Alaskan Native.
 - (b) "Board" means the State Board of Education.
 - (c) "Teacher" means an individual employed by a school district or charter school who is required to hold an educator license issued by the board and who has an assignment to teach in a classroom.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-602 Pilot programs created.

- (1)
 - (a) In addition to the state plan described in Title 53E, Chapter 10, Part 4, American Indian-Alaskan Native Education State Plan, beginning with fiscal year 2016-2017, there is created a five-year pilot program administered by the board to provide grants targeted to address the needs of American Indian and Alaskan Native students.
 - (b) The pilot program shall consist of a grant program to school districts and charter schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.
- (2)
 - (a) Beginning with fiscal year 2017-2018, there is created a four-year pilot program administered by the board to provide grants targeted to address the needs of American Indian and Alaskan Native students.
 - (b) The pilot program shall consist of a grant program to school districts and charter schools to be used to fund stipends, recruitment, retention, and professional development of teachers who teach in American Indian and Alaskan Native concentrated schools.

- (c) In determining grant recipients under this Subsection (2), the board shall give priority to American Indian and Alaskan Native concentrated schools located in a county of the fourth, fifth, or sixth class with significant populations of American Indians and Alaskan Natives.
- (3) Up to 3% of the money appropriated to a grant program under this part may be used by the board for costs in implementing the pilot program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-603 Grant program to school districts and charter schools.

- (1) From money appropriated to the grant program, the board shall distribute grant money on a competitive basis to a school district or charter school that applies for a grant and:
 - (a)
 - (i) has within the school district one or more American Indian and Alaskan Native concentrated schools; or
 - (ii) is an American Indian and Alaskan Native concentrated school; and
 - (b) has a program to fund stipends, recruitment, retention, and professional development of teachers who teach at American Indian and Alaskan Native concentrated schools.
- (2) The grant money distributed under this section may only be expended to fund a program described in Subsection (1)(b).
- (3)
 - (a) If a school district or charter school obtains a grant under this section, by no later than two years from the date the school district or charter school obtains the grant, the board shall review the implementation of the program described in Subsection (1)(b) to determine whether:
 - (i) the program is effective in addressing the need to retain teachers at American Indian and Alaskan Native concentrated schools; and
 - (ii) the money is being spent for a purpose not covered by the program described in Subsection (1)(b).
 - (b) If the board determines that the program is not effective or that the money is being spent for a purpose not covered by the program described in Subsection (1)(b), the board may terminate the grant money being distributed to the school district or charter school.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board may make rules providing:
 - (a) criteria for evaluating grant applications; and
 - (b) procedures for:
 - (i) a school district to apply to the board to receive grant money under this section; and
 - (ii) the review of the use of grant money described in Subsection (3).
- (5) The grant money is intended to supplement and not replace existing money supporting American Indian and Alaskan Native concentrated schools.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-5-604 Reporting -- Meeting.

- (1) The liaison shall annually report to the Native American Legislative Liaison Committee during the term of a pilot program under this part regarding:
 - (a) what entities receive a grant under this part;
 - (b) the effectiveness of the expenditures of grant money; and
 - (c) recommendations, if any, for additional legislative action.

- (2) The Native American Legislative Liaison Committee shall annually schedule at least one meeting at which education is discussed with selected stakeholders.

Renumbered and Amended by Chapter 2, 2018 General Session

Chapter 6

State Funding -- Programs Administered by Other Agencies

Part 1

General Provisions

53F-6-101 Title.

This chapter is known as "State Funding -- Programs Administered by Other Agencies."

Enacted by Chapter 2, 2018 General Session

53F-6-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

Part 2

Miscellaneous Programs

53F-6-201 Firearm Safety and Violence Prevention Pilot Program.

(1) As used in this section:

- (a) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
 - (b) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle, or a device that could be used as a dangerous weapon from which is expelled a projectile by action of an explosive.
 - (c) "Pilot program" means the Firearm Safety and Violence Prevention Pilot Program created under Subsection (2).
- (2) There is created a Firearm Safety and Violence Prevention Pilot Program to provide instruction that a public school may offer to a student in any of grades 5 through 12 on:
- (a) firearm safety, including:
 - (i) developing the knowledge, habits, skills, and attitudes necessary for the safe handling of firearms; and
 - (ii) teaching a student that to avoid injury when the student finds a firearm the student should:
 - (A) not touch the firearm;
 - (B) tell an adult about finding the firearm and the location of the firearm; and
 - (C) share the information described in Subsection (2)(a)(ii)(A) and (B) with any other minors who are with the student when the student finds the firearm; and
 - (b) what to do if the student becomes aware of a threat against the school.

- (3) The instruction described in Subsection (2):
 - (a) may be delivered:
 - (i) in a public school using live instruction or a video or online materials; or
 - (ii) at home using a video or online materials; and
 - (b) shall be neutral of political statements on guns.
- (4) The Office of the Attorney General, in collaboration with the State Board of Education, shall select one or more providers, through the standard procurement process or an exception to the standard procurement process as described in Title 63G, Chapter 6a, Utah Procurement Code, to supply materials and curriculum for the pilot program.
- (5)
 - (a) A district school or charter school may participate in the pilot program, subject to approval by the district school's local school board or charter school's charter school governing board.
 - (b) A district school or charter school that chooses to participate in the pilot program:
 - (i) shall use the materials and curriculum supplied by the provider selected under Subsection (4);
 - (ii) may permit the following to provide instruction on a voluntary basis:
 - (A) the Division of Wildlife Resources;
 - (B) a local law enforcement agency;
 - (C) a peace officer, as defined in Section 53-13-102; or
 - (D) another certified firearms safety instructor, as defined in rules made by the State Board of Education in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (iii) shall ensure that a firearm is not used in providing the instruction.
 - (c) A student may not be given the instruction described in Subsection (2) unless the student's parent or legal guardian has given prior written consent.
- (6) The Office of the Attorney General, in collaboration with the State Board of Education, shall evaluate the pilot program and report to the Law Enforcement and Criminal Justice Interim Committee on or before December 1, 2018.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-6-202 Smart School Technology Program.

- (1) As used in this section, "program" means the Smart School Technology Program.
- (2) The Smart School Technology Program is created to encourage the deployment of whole-school one-to-one mobile device technology in public schools.
- (3) The Board of Business and Economic Development with input from an independent evaluating committee, shall issue a request for proposals for the development and implementation of a whole-school one-to-one mobile device technology deployment plan for schools.
- (4) From recommendations submitted by an independent evaluating committee, the Board of Business and Economic Development shall select a single education technology provider with integrated whole-school technology deployment experience through the request for proposals process.
- (5)
 - (a) An independent evaluating committee shall be established to:
 - (i) advise the Board of Business and Economic Development in issuing a request for proposals under Subsection (3);
 - (ii) evaluate proposals submitted through a request for proposals issued under Subsection (3); and

- (iii) advise the State Board of Education on selecting schools to participate in the program.
- (b) The membership of the independent evaluating committee shall include:
 - (i) three members of the State Board of Education appointed by the chair of the State Board of Education;
 - (ii) the state chief information officer;
 - (iii) two members appointed by the executive director of the Governor's Office of Economic Development; and
 - (iv) the governor's education director.
- (c) The independent evaluating committee shall evaluate a proposal on:
 - (i) a provider's experience with integrated whole-school technology deployment; and
 - (ii) the components of a whole-school technology deployment plan.
- (6) An educational technology provider selected under Subsection (4) shall develop a customized whole-school one-to-one mobile device technology deployment plan for each school participating in the program.
- (7) The whole-school technology deployment plan shall be based on submitted proposals to the committee and may include the following components:
 - (a) a personal mobile learning device for each student;
 - (b) desktop or laptop computers for each classroom;
 - (c) peripherals and networking equipment, including a wireless network that is not self-interfering;
 - (d) wireless audio equipment in each classroom;
 - (e) digital projectors or televisions with wireless device mirroring technology;
 - (f) on and off campus Internet filtering;
 - (g) operating software for the technology system, including software that connects personal mobile learning devices among students and a teacher to facilitate classroom interaction;
 - (h) curriculum and instructional software purchase credits per device to be used toward improving student outcomes with respect to the core standards for Utah public schools and skill building on the use of technology;
 - (i) device repair and replacement criteria;
 - (j) professional development for educators and technology specialists on:
 - (i) the operation and use of the technology equipment; and
 - (ii) accessing and using online content; and
 - (k) ongoing technical support.
- (8)
 - (a) A school within a school district, with the approval of the local school board, or a charter school, may submit an application to the State Board of Education to participate in the program.
 - (b) With input from the independent evaluating committee established under Subsection (5), the State Board of Education shall select schools to participate in the program.
 - (c) In selecting schools, the State Board of Education shall seek to include in the program schools:
 - (i) from different regions of the state;
 - (ii) from urban and rural areas;
 - (iii) with a variety of economic and demographic characteristics; and
 - (iv) with documented technology implementation plans, including a plan for the use of:
 - (A) instructional software that improves student outcomes with respect to the core standards for Utah public schools; and
 - (B) software that provides students with skill building on the use of technology.
 - (d) The State Board of Education shall make rules:

- (i) specifying procedures and criteria to be used for selecting schools that may participate in the program; and
 - (ii) requiring selected schools to provide matching funds to participate in the program.
- (9)
- (a) The State Board of Education, in collaboration with the education technology provider and the schools participating in the program, shall evaluate the program and submit a report on the evaluation to the Governor's Office of Economic Development and the Education Interim Committee by the committee's October meetings in 2013 and 2014.
 - (b) The State Board of Education may contract with an independent evaluator to conduct the evaluation required in Subsection (9)(a).
 - (c) The evaluation shall be based on the following criteria:
 - (i) technology system functionality;
 - (ii) school level outcomes;
 - (iii) teacher instruction and outcomes; and
 - (iv) student engagement and outcomes.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 3

School Readiness Initiative

53F-6-301 Definitions.

As used in this part:

- (1) "Board" means the School Readiness Board, created in Section 35A-3-209.
- (2) "Economically disadvantaged" means to be eligible to receive free or reduced price lunch.
- (3) "Eligible home-based educational technology provider" means a provider that intends to offer a home-based educational technology program.
- (4) "Eligible LEA" means an LEA that has a data system capacity to collect longitudinal academic outcome data, including special education use by student, by identifying each student with a statewide unique student identifier.
- (5)
 - (a) "Eligible private provider" means a child care program that:
 - (i)
 - (A) except as provided in Subsection (5)(b), is licensed under Title 26, Chapter 39, Utah Child Care Licensing Act; or
 - (B) is exempt from licensure under Section 26-39-403; and
 - (ii) meets other criteria as established by the board, consistent with Utah Constitution, Article X, Section 1.
 - (b) "Eligible private provider" does not include residential child care, as defined in Section 26-39-102.
- (6) "Eligible student" means a student:
 - (a) who is economically disadvantaged; and
 - (b) whose parent or legal guardian reports that the student has experienced at least one risk factor.
- (7) "Evaluator" means an independent evaluator selected in accordance with Section 53F-3-309.
- (8) "High quality school readiness program" means a preschool program that:

- (a) is provided by an eligible LEA, eligible private provider, or eligible home-based educational technology provider; and
 - (b) meets the elements of a high quality school readiness program described in Section 53F-6-304.
- (9) "Investor" means a person that enters into a results-based contract to provide funding to a high quality school readiness program on the condition that the person will receive payment in accordance with Section 53F-6-309 if the high quality school readiness program meets the performance outcome measures included in the results-based contract.
- (10) "Local Education Agency" or "LEA" means a school district or charter school.
- (11) "Pay for success program" means a program funded through a model in which the program is initially funded through private funding and the entity providing the private funding receives repayment through public funding if the program achieves certain outcomes.
- (12) "Performance outcome measure" means a cost avoidance in special education use for a student at-risk for later special education placement in kindergarten through grade 12 who receives preschool education funded pursuant to a results-based contract.
- (13) "Program intermediary" means an entity selected by the board under Section 35A-3-209 to coordinate with the Department of Workforce Services to provide program support to the board.
- (14) "Results-based contract" means a contract that:
- (a) is entered into in accordance with Section 53F-3-309;
 - (b) includes a performance outcome measure; and
 - (c) is between:
 - (i) the board, a provider of a high quality school readiness program, and an investor; or
 - (ii) the board and a provider of a high quality school readiness program.
- (15) "Risk factor" means:
- (a) having a mother who was 18 years old or younger when the child was born;
 - (b) a member of a child's household is incarcerated;
 - (c) living in a neighborhood with high violence or crime;
 - (d) having one or both parents with a low reading ability;
 - (e) moving at least once in the past year;
 - (f) having ever been in foster care;
 - (g) living with multiple families in the same household;
 - (h) having exposure in a child's home to:
 - (i) physical abuse or domestic violence;
 - (ii) substance abuse;
 - (iii) the death or chronic illness of a parent or sibling; or
 - (iv) mental illness;
 - (i) the primary language spoken in a child's home is a language other than English; or
 - (j) having at least one parent who has not completed high school.
- (16) "Student at-risk for later special education placement" means an eligible student who, at preschool entry, scores at least two standard deviations below the mean on the assessment selected by the board under Section 53F-6-309.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 389, 2018 General Session

53F-6-303 School Readiness Restricted Account.

As described in Section 35A-3-210, the School Readiness Restricted Account provides funding for this part.

Amended by Chapter 389, 2018 General Session

53F-6-304 Elements of a high quality school readiness program.

- (1) A high quality school readiness program run by an eligible LEA or eligible private provider shall include the following components:
 - (a) an evidence-based curriculum that is aligned with all of the developmental domains and academic content areas defined in the Utah Early Childhood Standards adopted by the State Board of Education, and incorporates intentional and differentiated instruction in whole group, small group, and child-directed learning, including the following academic content areas:
 - (i) oral language and listening comprehension;
 - (ii) phonological awareness and prereading;
 - (iii) alphabet and word knowledge;
 - (iv) prewriting;
 - (v) book knowledge and print awareness;
 - (vi) numeracy;
 - (vii) creative arts;
 - (viii) science and technology; and
 - (ix) social studies, health, and safety;
 - (b) ongoing, focused, and intensive professional development for staff of the school readiness program;
 - (c) ongoing assessment of a student's educational growth and developmental progress to inform instruction;
 - (d) a pre- and post-assessment of each student whose parent or legal guardian consents to the assessment that, for a school readiness program receiving funding under this part, is selected by the board in accordance with Section 53F-6-309;
 - (e) for a preschool program run by an eligible LEA, a class size that does not exceed 20 students, with one adult for every 10 students in the class;
 - (f) ongoing program evaluation and data collection to monitor program goal achievement and implementation of required program components;
 - (g) family engagement, including ongoing communication between home and school, and parent education opportunities based on each family's circumstances;
 - (h) for a preschool program run by an eligible LEA, each teacher having at least obtained:
 - (i) the minimum standard of a child development associate certification; or
 - (ii) an associate or bachelor's degree in an early childhood education related field; and
 - (i) for a preschool program run by an eligible private provider, by a teacher's second year, each teacher having at least obtained:
 - (i) the minimum standard of a child development associate certification; or
 - (ii) an associate or bachelor's degree in an early childhood education related field.
- (2) A high quality school readiness program run by a home-based educational technology provider shall:
 - (a) be an evidence-based and age appropriate individualized interactive instruction assessment and feedback technology program that teaches eligible students early learning skills needed to be successful upon entry into kindergarten;
 - (b) require regular parental engagement with the student in the student's use of the home-based educational technology program;
 - (c) be aligned with the Utah early childhood core standards;

- (d) require the administration of a pre- and post-assessment of each student whose parent or legal guardian consents to the assessment that, for a home-based technology program that receives funding under this part, is designated by the board in accordance with Section 53F-6-309; and
- (e) require technology providers to ensure successful implementation and utilization of the technology program.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-6-305 High Quality School Readiness Grant Program.

- (1) The High Quality School Readiness Grant Program is created to provide grants to the following, in order to upgrade an existing preschool or home-based educational technology program to a high quality school readiness program:
 - (a) an eligible private provider;
 - (b) an eligible LEA; or
 - (c) an eligible home-based educational technology provider.
- (2) The State Board of Education shall:
 - (a) solicit proposals from eligible LEAs; and
 - (b) make recommendations to the board to award grants to respondents based on criteria described in Subsection (5).
- (3) The Department of Workforce Services shall:
 - (a) solicit proposals from eligible private providers and eligible home-based educational technology providers; and
 - (b) make recommendations to the board to award grants to respondents based on criteria described in Subsection (5).
- (4) Subject to legislative appropriations, and the prioritization described in Section 35A-3-209, the board shall award grants to respondents based on:
 - (a) the recommendations of the State Board of Education;
 - (b) the recommendations of the Department of Workforce Services; and
 - (c) the criteria described in Subsection (5).
- (5)
 - (a) In awarding a grant under Subsection (4), the State Board of Education, Department of Workforce Services, and the board shall consider:
 - (i) a respondent's capacity to effectively implement the components described in Section 53F-6-304;
 - (ii) the percentage of a respondent's students who are eligible students; and
 - (iii) the level of administrative support and leadership at a respondent's program to effectively implement, monitor, and evaluate the program.
 - (b) The board may not award a grant to an LEA without obtaining approval from the State Board of Education to award the grant to the LEA.
- (6) To receive a grant under this section, a respondent that is an eligible LEA shall submit a proposal to the State Board of Education detailing:
 - (a) the respondent's strategy to implement the high quality components described in Section 53F-6-304;
 - (b) the number of students the respondent plans to serve, categorized by age and whether the students are eligible students;
 - (c) the number of high quality school readiness program classrooms the respondent plans to operate; and

- (d) the estimated cost per student.
- (7) To receive a grant under this section, a respondent that is an eligible private provider or an eligible home-based educational technology provider shall submit a proposal to the Department of Workforce Services detailing:
 - (a) the respondent's strategy to implement the high quality components described in Section 53F-6-304;
 - (b) the number of students the respondent plans to serve, categorized by age and whether the students are eligible students;
 - (c) for a respondent that is an eligible private provider, the number of high quality school readiness program classrooms the respondent plans to operate; and
 - (d) the estimated cost per student.
- (8)
 - (a) A recipient of a grant under this section shall use the grant to move the recipient's preschool program toward achieving the components described in Section 53F-6-304.
 - (b) A recipient of a grant under this section may not enter into a results-based contract while the recipient receives the grant.
- (9)
 - (a) A grant recipient shall allow classroom or other visits by an evaluator.
 - (b) The evaluator shall:
 - (i) determine whether a grant recipient has effectively implemented the components described in Section 53F-6-304; and
 - (ii) report the evaluator's findings to the board.
- (10) A recipient of a grant under this section shall ensure that each student who is enrolled in a classroom or who uses a home-based educational technology program supported by the grant has a unique student identifier by:
 - (a) if the recipient is an eligible LEA, assigning a unique student identifier to each student enrolled in the classroom; or
 - (b) if the recipient is an eligible private provider or eligible home-based educational technology provider, working with the State Board of Education to assign a unique student identifier to each student enrolled in the classroom or who uses the home-based educational technology program.
- (11) A grant recipient that is an LEA shall report annually to the board and the State Board of Education the following:
 - (a) number of students served by the preschool, including the number of students who are eligible students;
 - (b) attendance;
 - (c) cost per student; and
 - (d) assessment results.
- (12) A grant recipient that is an eligible private provider or an eligible home-based educational technology provider shall report annually to the board and the Department of Workforce Services the following:
 - (a) number of students served by the preschool or program, including the number of students who are eligible students;
 - (b) attendance;
 - (c) cost per student; and
 - (d) assessment results.
- (13) The State Board of Education and the Department of Workforce Services shall make rules to effectively administer and monitor the grant program described in this section, including:

- (a) requiring grant recipients to use the pre- and post-assessment selected by the board in accordance with Section 53F-6-309; and
 - (b) establishing reporting requirements for grant recipients.
- (14) At the request of the board, the State Board of Education and the Department of Workforce Services shall annually share the information received from grant recipients described in Subsections (11) and (12) with the board.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 389, 2018 General Session

53F-6-306 Requirements for a school readiness program to receive funding through a results-based contract.

- (1) As used in this section:
- (a) "Participating program operator" means an eligible LEA, an eligible private provider, or an eligible home-based educational technology provider, that is a party to a results-based contract.
 - (b) "Program" means a school readiness program funded through a results-based contract.
- (2)
- (a) Subject to the requirements of this part, an eligible LEA, an eligible private provider, or an eligible home-based educational technology provider that operates a high quality school readiness program may enter into and receive funding through a results-based contract.
 - (b) An eligible LEA, an eligible private provider, or an eligible home-based educational technology provider may not enter into a results-based contract while receiving a grant under Section 53F-6-305.
- (3) A participating program operator shall ensure that each student who is enrolled in a classroom, or who uses a home-based educational technology, that is part of a participating program operator's program has a unique student identifier by:
- (a) if the participating program operator is an eligible LEA, assigning a unique student identifier to each student enrolled in the classroom; or
 - (b) if the participating program operator is an eligible private provider or eligible home-based technology provider, working with the State Board of Education to assign a unique student identifier to each student enrolled in the classroom or who uses the home-based educational technology.
- (4) A participating program operator may not use funds received through a results-based contract to supplant funds for an existing high quality school readiness program, but may use the funds to supplement an existing high quality school readiness program.
- (5)
- (a) If not prohibited by the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 6301-6576, a participating program operator may charge a sliding scale fee, based on household income, to a student enrolled in the participating program operator's program.
 - (b) A participating program operator may use grants, scholarships, or other money to help fund the program.
- (6) A participating program operator shall:
- (a) select an evaluator to annually evaluate:
 - (i) the results of the pre- and post-assessment described in Section 53F-6-309 for each eligible student funded through a results-based contract;
 - (ii) performance on the performance outcome measure as described in Section 53F-6-309; and

- (iii) for a participating program operator that is a home-based educational technology provider, whether the home-based educational technology is being used with fidelity; and
 - (b) allow classroom visits to ensure the program meets the requirements described in this part by:
 - (i) the evaluator;
 - (ii) the program intermediary;
 - (iii) the investor, if applicable;
 - (iv) the State Board of Education; and
 - (v) the Department of Workforce Services.
- (7)
- (a) A participating program operator that is an eligible LEA may contract with an eligible private provider to provide a high quality school readiness program to a portion of the LEA's eligible students if:
 - (i) the results-based contract specifies the number of students to be served by the eligible private provider;
 - (ii) the eligible private provider meets the requirements described in this section for a participating program operator;
 - (iii) the eligible private provider reports the information described in Section 53F-6-310 to the board and the contracting eligible LEA; and
 - (iv) the contractual partnership is consistent with Utah Constitution, Article X, Section 1.
 - (b) An eligible LEA that contracts with an eligible private provider shall provide supportive services to the eligible private provider, which may include:
 - (i) professional development;
 - (ii) staffing or staff support;
 - (iii) materials; or
 - (iv) assessments.

Renumbered and Amended by Chapter 2, 2018 General Session
Repealed and Re-enacted by Chapter 389, 2018 General Session

53F-6-309 Results-based contracts -- Assessment selection -- Independent evaluators.

- (1) The board may enter into a results-based contract to fund participation of eligible students in a high quality school readiness program in accordance with Section 35A-3-209 and this part.
- (2)
 - (a) Except as provided in Subsection (3), the board shall include an investor as a party to a results-based contract.
 - (b) The board may provide for a repayment to an investor to include a return of investment and an additional return on investment, dependent on achievement of the performance outcome measures set in the results-based contract.
 - (c) The additional return on investment described in Subsection (2)(b) may not exceed 5% above the current Municipal Market Data General Obligation Bond AAA scale for a 10 year maturity at the time of the issuance of the results-based contract.
 - (d) Funding obtained for an early education program through a results-based contract that includes an investor is not a procurement item under Section 63G-6a-103.
 - (e) A results-based contract that includes an investor shall include:
 - (i) a requirement that the repayment to the investor be conditioned on achieving the performance outcome measures set in the results-based contract;

- (ii) a requirement for an evaluator to determine whether the performance outcome measures have been achieved;
 - (iii) a provision that repayment to the investor is:
 - (A) based upon available money in the School Readiness Restricted Account described in Section 35A-3-210; and
 - (B) subject to legislative appropriations; and
 - (iv) a provision that the investor is not eligible to receive or view personally identifiable student data of students funded through the results-based contract.
 - (f) The board may not issue a results-based contract that includes an investor as a party to the contract if the total outstanding obligations of results-based contracts that include an investor as a party to the contract would exceed \$15,000,000 at any one time.
- (3)
- (a) The board may enter into a results-based contract to directly fund a high quality school readiness program that has at least four years of data for at least one cohort of students showing that the high quality school readiness program has met a performance outcome measure.
 - (b) A results-based contract described in Subsection (3)(a):
 - (i) does not require an investor; and
 - (ii) shall include a provision that:
 - (A) requires that in order to continue receiving funding, the high quality school readiness program continue to meet a performance outcome measure; and
 - (B) provides an improvement time frame during which the high quality school readiness program may continue to receive funding if the high quality school readiness program fails to continue to meet the performance outcome measure.
- (4) The board shall select a uniform assessment of age-appropriate cognitive or language skills that:
- (a) is nationally norm-referenced;
 - (b) has established reliability;
 - (c) has established validity with other similar measures and with later school outcomes; and
 - (d) has strong psychometric characteristics.
- (5)
- (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, the board shall select at least three independent evaluators with experience in:
 - (i) evaluating school readiness programs; and
 - (ii) administering the assessment selected under Subsection (4).
 - (b) An eligible LEA, eligible private provider, or eligible home-based educational technology provider that has a results-based contract shall select one of the evaluators described in Subsection (5)(a) to conduct an evaluation described in Section 53F-6-306.
 - (c) The board shall select one of the evaluators described in Subsection (5)(a) to conduct an evaluation described in Section 53F-6-305.
- (6)
- (a) At the end of each year of a results-based contract after a student funded through a results-based contract completes kindergarten, the independent evaluator described in Subsection (5)(b) shall determine whether the performance outcome measures set in the results-based contract have been met.
 - (b) The board may not pay an investor unless the evaluation described in Subsection (6)(a) determines that the performance outcome measures in the results-based contract have been met.

- (7)
- (a) The board shall ensure that a parent or guardian of an eligible student participating in a program funded through a results-based contract has given permission and signed an acknowledgment that the student's data may be shared with an independent evaluator for research and evaluation purposes, subject to federal law.
 - (b) The board shall maintain documentation of parental permission required in Subsection (7)(a).

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 389, 2018 General Session

53F-6-310 Reporting requirements for a recipient of funding through a results-based contract -- Reporting to the Legislature.

- (1) An eligible LEA, eligible private provider, or eligible home-based educational technology provider that receives funds through a results-based contract shall report annually to the board the following de-identified information for eligible students funded in whole or in part through the results-based contract:
 - (a) the number of eligible students served by the high quality school readiness program, reported by economically disadvantaged status, English language learner status, and the number of risk factors reported for each eligible student;
 - (b) attendance;
 - (c) cost per eligible student;
 - (d) assessment results of the pre- and post-assessments described in Section 53F-6-309;
 - (e) results of the assessments described in Section 53E-4-314; and
 - (f) for an eligible home-based educational technology provider, the average time, and range of time usage, that an eligible student who does not attend another preschool program spends using the home-based educational technology program per week.
- (2) The State Board of Education shall annually share with the board aggregated longitudinal data on eligible students currently funded under this part and any eligible students who previously funded under this part, including:
 - (a) academic achievement outcomes;
 - (b) special education use;
 - (c) English language learner services; and
 - (d) scores on the kindergarten entry and exit assessment described in Section 53F-4-205.
- (3) For each year of a results-based contract, the board shall report to the Education Interim Committee and the Economic Development and Workforce Services Interim Committee:
 - (a) information described in Subsection (1) for each participating LEA, private provider, and home-based educational technology provider;
 - (b) the data described in Subsection (2); and
 - (c) the terms of each results-based contract, including, as applicable:
 - (i) the name of the investor and funding source;
 - (ii) the amount of money each investor has invested;
 - (iii) the performance outcome measures set in the results-based contract by which repayment is determined; and
 - (iv) the repayment schedule to the investor if the performance outcome measures are met.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 389, 2018 General Session

Chapter 7 State Funding -- Education Administration

Part 1 General Provisions

53F-7-101 Title.

This chapter is known as "State Funding -- Education Administration."

Enacted by Chapter 2, 2018 General Session

53F-7-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

Part 2 State Board of Education

53F-7-201 Appropriations from Automobile Driver Education Tax Account.

There is appropriated to the State Board of Education from the Automobile Driver Education Tax Account, annually, all money in the account, in excess of the expense of administering the collection of the tax, for use and distribution in the administration and maintenance of driver education classes and programs with respect to classes offered in the school district and the establishment of experimental programs, including the purchasing of equipment, by the board.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 3 Utah Schools for the Deaf and Blind

53F-7-301 Annual salary adjustments for Utah Schools for the Deaf and the Blind educators -- Legislative appropriation.

Subject to future budget constraints, the Legislature shall annually appropriate money to the board for the salary adjustments described in Section 53E-8-302, including step and lane changes.

Enacted by Chapter 2, 2018 General Session

Chapter 8 Local Funding

Part 1

General Provisions

53F-8-101 Title.

This chapter is known as "Local Funding."

Enacted by Chapter 2, 2018 General Session

53F-8-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

Part 2

General Tax Provisions

53F-8-201 Annual certification of tax rate proposed by local school board -- Inclusion of school district budget -- Modified filing date.

- (1) Prior to June 22 of each year, each local school board shall certify to the county legislative body in which the district is located, on forms prescribed by the State Tax Commission, the proposed tax rate approved by the local school board.
- (2) A copy of the district's budget, including items under Section 53G-7-302, and a certified copy of the local school board's resolution which approved the budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the tax rate.
- (3) If the tax rate approved by the board is in excess of the certified tax rate, as defined in Section 59-2-924, the date for filing the tax rate and budget adopted by the board shall be that established under Section 59-2-919.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-8-202 Levy of tax -- Collection and deposit.

- (1) After the valuation of property has been extended on the assessment rolls, the county legislative body shall levy a tax on the taxable property in the respective school districts at the rate submitted by each local school board under Section 53F-8-201.
- (2) These taxes shall be collected by the county officers in the same manner as other taxes are collected.
- (3) The county treasurer shall pay the tax revenues to the respective district's business administrator who shall hold the tax revenue subject to the order of the local school board.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-8-203 Payment out of tax money by county treasurer.

- (1) Each county treasurer shall pay the appropriate proportionate share of delinquent taxes, together with interest and costs on all tax sales, to each affected school district.
- (2) The treasurer shall make payment as quickly as possible after collection or realization.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 3
Local Levies

**53F-8-301 State-supported voted local levy authorized -- Election requirements --
Reconsideration of the program.**

- (1) The terms defined in Section 53F-2-102 apply to this section.
- (2) An election to consider adoption or modification of a voted local levy is required if initiative petitions signed by 10% of the number of electors who voted at the last preceding general election are presented to the local school board or by action of the local school board.
- (3)
 - (a)
 - (i) To impose a voted local levy, a majority of the electors of a school district voting at an election in the manner set forth in Subsections (8) and (9) must vote in favor of a special tax.
 - (ii) The tax rate may not exceed .002 per dollar of taxable value.
 - (b) Except as provided in Subsection (3)(c), in order to receive state support in accordance with Section 53F-2-601 the first year, a school district shall receive voter approval no later than December 1 of the year prior to implementation.
 - (c) Beginning on or after January 1, 2012, a school district may receive state support in accordance with Section 53F-2-601 without complying with the requirements of Subsection (3)(b) if the local school board imposed a tax in accordance with this section during the taxable year beginning on January 1, 2011 and ending on December 31, 2011.
- (4)
 - (a) An election to modify an existing voted local levy is not a reconsideration of the existing authority unless the proposition submitted to the electors expressly so states.
 - (b) A majority vote opposing a modification does not deprive the local school board of authority to continue the levy.
 - (c) If adoption of a voted local levy is contingent upon an offset reducing other local school board levies, the local school board shall allow the electors, in an election, to consider modifying or discontinuing the imposition of the levy prior to a subsequent increase in other levies that would increase the total local school board levy.
 - (d) Nothing contained in this section terminates, without an election, the authority of a local school board to continue imposing an existing voted local levy previously authorized by the voters as a voted leeway program.
- (5) Notwithstanding Section 59-2-919, a local school board may budget an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section in addition to revenue from eligible new growth as defined in Section 59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:
 - (a) the voted local levy is approved:
 - (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and
 - (ii) within the four-year period immediately preceding the year in which the local school board seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and

- (b) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the local school board complies with the requirements of Subsection (7).
- (6) Notwithstanding Section 59-2-919, a local school board may levy a tax rate under this section that exceeds the certified tax rate without having to comply with the notice requirements of Section 59-2-919 if:
 - (a) the levy exceeds the certified tax rate as the result of a local school board budgeting an increased amount of ad valorem property tax revenue derived from a voted local levy imposed under this section;
 - (b) the voted local levy was approved:
 - (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and
 - (ii) within the four-year period immediately preceding the year in which the local school board seeks to budget an increased amount of ad valorem property tax revenue derived from the voted local levy; and
 - (c) for a voted local levy approved or modified in accordance with this section on or after January 1, 2009, the local school board complies with requirements of Subsection (7).
- (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the electors regarding the adoption or modification of a voted local levy shall contain the following statement: "A vote in favor of this tax means that the local school board of [name of the school district] may increase revenue from this property tax without advertising the increase for the next five years."
- (8)
 - (a) Before a local school board may impose a property tax levy pursuant to this section, a local school board shall submit an opinion question to the school district's registered voters voting on the imposition of the tax rate so that each registered voter has the opportunity to express the registered voter's opinion on whether the tax rate should be imposed.
 - (b) The election required by this Subsection (8) shall be held:
 - (i) at a regular general election conducted in accordance with the procedures and requirements of Title 20A, Election Code, governing regular elections;
 - (ii) at a municipal general election conducted in accordance with the procedures and requirements of Section 20A-1-202; or
 - (iii) at a local special election conducted in accordance with the procedures and requirements of Section 20A-1-203.
 - (c) Notwithstanding the requirements of Subsections (8)(a) and (b), beginning on or after January 1, 2012, a local school board may levy a tax rate in accordance with this section without complying with the requirements of Subsections (8)(a) and (b) if the local school board imposed a tax in accordance with this section at any time during the taxable year beginning on January 1, 2011, and ending on December 31, 2011.
- (9) If a local school board determines that a majority of the school district's registered voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax rate in accordance with Subsection (8), the local school board may impose the tax rate.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-8-302 Board local levy.

- (1) The terms defined in Section 53F-2-102 apply to this section.
- (2) Subject to the other requirements of this section, a local school board may levy a tax to fund the school district's general fund.
- (3)
 - (a) For purposes of this Subsection (3), "combined rate" means the sum of:

- (i) the rate imposed by a local school board under Subsection (2); and
 - (ii) the charter school levy rate, described in Section 53F-2-703, for the local school board's school district.
- (b) Beginning on January 1, 2018, a school district's combined rate may not exceed .0025 per dollar of taxable value in any calendar year.
- (4) In addition to the revenue a school district collects from the imposition of a levy pursuant to this section, the state shall contribute an amount as described in Section 53F-2-601.
- (5)
 - (a) For a calendar year beginning on or after January 1, 2017, the State Tax Commission shall adjust a board local levy rate imposed by a local school board under this section by the amount necessary to offset the change in revenues from the charter school levy imposed under Section 53F-2-703.
 - (b) A local school board is not required to comply with the notice and public hearing requirements of Section 59-2-919 for an offset described in Subsection (5)(a) to the change in revenues from the charter school levy imposed under Section 53F-2-703.
 - (c) So long as the charter school levy rate does not exceed 25% of the charter school levy per district revenues, a local school board may not increase a board local levy rate under this section if the purpose of increasing the board local levy rate is to capture the revenues assigned to the charter school levy through the adjustment in a board local levy rate under Subsection (5)(a).
 - (d) Before a local school board takes action to increase a board local levy rate under this section, the local school board shall:
 - (i) prepare a written statement that attests that the local school board is in compliance with Subsection (5)(c);
 - (ii) read the statement described in Subsection (5)(d)(i) during a local school board public meeting where the local school board discusses increasing the board local levy rate; and
 - (iii) send a copy of the statement described in Subsection (5)(d)(i) to the State Tax Commission.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-8-303 Capital local levy.

- (1) Subject to the other requirements of this section, a local school board may levy a tax to fund the school district's:
 - (a) capital projects; or
 - (b) technology programs or projects.
- (2) A tax rate imposed by a school district pursuant to this section may not exceed .0030 per dollar of taxable value in any calendar year.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 281, 2018 General Session
Amended by Chapter 288, 2018 General Session
Amended by Chapter 456, 2018 General Session

Part 4

Obsolete Tax Levies

53F-8-402 Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.

- (1)
 - (a) Except as provided in Subsection (6), a local school board may, by following the process for special elections established in Sections 20A-1-203 and 20A-1-204, call a special election to determine whether a special property tax should be levied for one or more years to buy building sites, build and furnish schoolhouses, or improve the school property under its control.
 - (b) The tax may not exceed .2% of the taxable value of all taxable property in the district in any one year.
- (2) The board shall give reasonable notice of the election and follow the same procedure used in elections for the issuance of bonds.
- (3) If a majority of those voting on the proposition vote in favor of the tax, it is computed on the valuation of the county assessment roll for that year.
- (4)
 - (a) Within 20 days after the election, the board shall certify the amount of the approved tax to the governing body of the county in which the school district is located.
 - (b) The governing body shall acknowledge receipt of the certification and levy and collect the special tax.
 - (c) It shall then distribute the collected taxes to the business administrator of the school district at the end of each calendar month.
- (5) The special tax becomes due and delinquent and attaches to and becomes a lien on real and personal property at the same time as state and county taxes.
- (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-8-403 School transportation levy.

- (1) Except as provided in Subsection (5), a local school board may provide for the transportation of students regardless of the distance from school, from a tax rate not to exceed .0003 per dollar of taxable value levied by the local school board.
- (2) A local school board may use revenue from the tax described in Subsection (1) to pay for transporting students and for the replacement of school buses.
- (3)
 - (a) If a local school board levies a tax under Subsection (1) of at least .0002, the state may contribute an amount not to exceed 85% of the state average cost per mile, contingent upon the Legislature appropriating funds for a state contribution.
 - (b) The State Board of Education's employees shall distribute the state contribution according to rules enacted by the State Board of Education.
- (4)
 - (a) The amount of state guarantee money that a school district would otherwise be entitled to receive under Subsection (3) may not be reduced for the sole reason that the school district's

levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924 due to changes in property valuation.

(b) Subsection (4)(a) applies for a period of two years following the change in the certified tax rate.

(5) Beginning January 1, 2012, a local school board may not impose a tax in accordance with this section.

(6) The terms defined in Section 53F-2-102 apply to this section.

Enacted by Chapter 2, 2018 General Session

Chapter 9 Funds and Accounts

Part 1 General Provisions

53F-9-101 Title.

This chapter is known as "Funds and Accounts."

Enacted by Chapter 2, 2018 General Session

53F-9-102 Definitions.

Reserved

Enacted by Chapter 2, 2018 General Session

Part 2 Uniform School Fund

53F-9-201 Uniform School Fund -- Contents -- Trust Distribution Account.

(1) The Uniform School Fund, a special revenue fund within the Education Fund, established by Utah Constitution, Article X, Section 5, consists of:

- (a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;
- (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Revised Uniform Unclaimed Property Act; and
- (c) all other constitutional or legislative allocations to the fund, including revenues received by donation.

(2)

(a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.

(b) The Trust Distribution Account consists of the average of:

- (i) 4% of the average market value of the permanent State School Fund based on an annual review each July of the past 12 consecutive quarters; and

- (ii) the prior year's distribution from the Trust Distribution Account as described in Section 53F-2-404, increased by prior year changes in the percentage of student enrollment growth and in the consumer price index.
- (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the average market value of the permanent State School Fund over the past 12 consecutive quarters.
- (4) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:
 - (a) annually review distribution of the Trust Distribution Account; and
 - (b) make recommendations, if necessary, to the Legislature for changes to the formula described in Subsection (2)(b).
- (5)
 - (a) Upon appropriation by the Legislature, the director of the School and Institutional Trust Fund Office created in Section 53D-1-201 shall place in the Trust Distribution Account funds for:
 - (i) the administration of the School LAND Trust Program as described in Sections 53F-2-404 and 53G-7-1206;
 - (ii) the School and Institutional Trust Fund Office; and
 - (iii) the School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301.
 - (b) The Legislature may appropriate any remaining balance for the support of the public education system.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 448, 2018 General Session

**53F-9-202 Duty of Division of Finance -- Apportionment of fund by state board --
Certification of apportionments.**

- (1) The Division of Finance shall give the state superintendent, upon request, a written accounting of the current balance in the Uniform School Fund.
- (2) The State Board of Education shall apportion the fund among the several school districts.
- (3) The state superintendent shall certify the apportionments to the Division of Finance and draws warrants on the state treasurer in favor of the school districts.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-9-203 Charter School Revolving Account.

- (1)
 - (a) The terms defined in Section 53G-5-102 apply to this section.
 - (b) As used in this section, "account" means the Charter School Revolving Account.
- (2)
 - (a) There is created within the Uniform School Fund a restricted account known as the "Charter School Revolving Account" to provide assistance to charter schools to:
 - (i) meet school building construction and renovation needs; and
 - (ii) pay for expenses related to the start up of a new charter school or the expansion of an existing charter school.
 - (b) The State Board of Education, in consultation with the State Charter School Board, shall administer the Charter School Revolving Account in accordance with rules adopted by the State Board of Education.
- (3) The Charter School Revolving Account shall consist of:
 - (a) money appropriated to the account by the Legislature;
 - (b) money received from the repayment of loans made from the account; and

- (c) interest earned on money in the account.
- (4) The state superintendent of public instruction shall make loans to charter schools from the account to pay for the costs of:
 - (a) planning expenses;
 - (b) constructing or renovating charter school buildings;
 - (c) equipment and supplies; or
 - (d) other start-up or expansion expenses.
- (5) Loans to new charter schools or charter schools with urgent facility needs may be given priority.
- (6)
 - (a) The State Board of Education shall establish a committee to:
 - (i) review requests by charter schools for loans under this section; and
 - (ii) make recommendations regarding approval or disapproval of the loan applications to the State Charter School Board and the State Board of Education.
 - (b)
 - (i) A committee established under Subsection (6)(a) shall include individuals who have expertise or experience in finance, real estate, or charter school administration.
 - (ii) Of the members appointed to a committee established under Subsection (6)(a):
 - (A) one member shall be nominated by the governor; and
 - (B) the remaining members shall be selected from a list of nominees submitted by the State Charter School Board.
 - (c) If the committee recommends approval of a loan application under Subsection (6)(a)(ii), the committee's recommendation shall include:
 - (i) the recommended amount of the loan;
 - (ii) the payback schedule; and
 - (iii) the interest rate to be charged.
 - (d) A committee member may not:
 - (i) be a relative, as defined in Section 53G-5-409, of a loan applicant; or
 - (ii) have a pecuniary interest, directly or indirectly, with a loan applicant or any person or entity that contracts with a loan applicant.
- (7) A loan under this section may not be made unless the State Board of Education, in consultation with the State Charter School Board, approves the loan.
- (8) The term of a loan to a charter school under this section may not exceed five years.
- (9) The State Board of Education may not approve loans to charter schools under this section that exceed a total of \$2,000,000 in any fiscal year.
- (10)
 - (a) On March 16, 2011, the assets of the Charter School Building Subaccount administered by the State Board of Education shall be deposited into the Charter School Revolving Account.
 - (b) Beginning on March 16, 2011, loan payments for loans made from the Charter School Building Subaccount shall be deposited into the Charter School Revolving Account.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-9-204 Growth in Student Population Restricted Account.

- (1) There is created within the Uniform School Fund a restricted account known as the "Growth in Student Population Restricted Account."
- (2) The account shall be funded from the following revenue sources:
 - (a) any voluntary contributions received to help alleviate the anticipated surge in student growth in public elementary and secondary schools during the early part of the 21st Century; and

- (b) appropriations made to the fund by the Legislature.
- (3) The account shall be used to help school districts meet the challenges created by anticipated significant increases in student growth in the state's public schools.
- (4)
 - (a) The account shall earn interest.
 - (b) All interest earned on account money shall be deposited in the account.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-9-205 Invest More for Education Account.

- (1) There is created within the Uniform School Fund a restricted account known as the Invest More for Education Account.
- (2) The account shall be funded by contributions deposited into the restricted account in accordance with Section 59-10-1318.
- (3) The account shall earn interest.
- (4) Interest earned on the account shall be deposited into the account.
- (5) The Legislature may appropriate money from the account for the support of the public education system.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-9-206 School Building Revolving Account -- Access to the account.

- (1)
 - (a) There is created within the Uniform School Fund a restricted account known as the "School Building Revolving Account" to provide short-term help to school districts to meet district needs for school building construction and renovation.
 - (b) The state superintendent of public instruction shall administer the School Building Revolving Account in accordance with Chapter 3, State Funding -- Capital Outlay Programs, and rules adopted by the State Board of Education.
- (2) The State Board of Education may not allocate funds from the School Building Revolving Account that exceed a school district's bonding limit minus its outstanding bonds.
- (3) In order to receive money from the School Building Revolving Account, a school district shall:
 - (a) levy a combined capital levy rate of at least .0024;
 - (b) contract with the state superintendent of public instruction to repay the money, with interest at a rate established by the state superintendent, within five years of receipt, using future state capital outlay allocations, local revenues, or both;
 - (c) levy sufficient ad valorem taxes under Section 11-14-310 to guarantee annual loan repayments, unless the state superintendent of public instruction alters the payment schedule to improve a hardship situation; and
 - (d) meet any other condition established by the State Board of Education pertinent to the loan.
- (4)
 - (a) The state superintendent shall establish a committee, including representatives from state and local education entities, to:
 - (i) review requests by school districts for loans under this section; and
 - (ii) make recommendations regarding approval or disapproval of the loan applications to the state superintendent.
 - (b) If the committee recommends approval of a loan application under Subsection (4)(a)(ii), the committee's recommendation shall include:

- (i) the recommended amount of the loan;
- (ii) the payback schedule; and
- (iii) the interest rate to be charged.

Renumbered and Amended by Chapter 2, 2018 General Session

Part 3

Education Fund

53F-9-301 Charter School Levy Account.

- (1)
 - (a) The terms defined in Section 53G-5-102 apply to this section.
 - (b) As used in this section, "account" means the Charter School Levy Account created in this section.
- (2) There is created within the Education Fund a restricted account known as the "Charter School Levy Account."
- (3) The account shall be funded by amounts deposited into the account in accordance with Section 53F-2-703.
- (4) Upon appropriation from the Legislature, the State Board of Education shall distribute funds from the account as described in Section 53F-2-703.
- (5) The account shall earn interest.
- (6) Interest earned on the account shall be deposited into the account.
- (7) Funds in the account are nonlapsing.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-9-302 Minimum Basic Growth Account.

- (1) As used in this section, "account" means the Minimum Basic Growth Account created in this section.
- (2) There is created within the Education Fund a restricted account known as the "Minimum Basic Growth Account."
- (3) The account shall be funded by amounts deposited into the account in accordance with Section 53F-2-301 or 53F-2-301.5, as applicable.
- (4) The account shall earn interest.
- (5) Interest earned on the account shall be deposited into the account.
- (6) Upon appropriation by the Legislature:
 - (a) 75% of the money from the account shall be used to fund the state's contribution to the voted local levy guarantee described in Section 53F-2-601;
 - (b) 20% of the money from the account shall be used to fund the Capital Outlay Foundation Program as provided in Section 53F-3-203; and
 - (c) 5% of the money from the account shall be used to fund the Capital Outlay Enrollment Growth Program as provided in Section 53F-3-203.

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 456, 2018 General Session

53F-9-303 Charter School Reserve Account.

- (1) The terms defined in Section 53G-5-601 apply to this section.
- (2) There is created within the Education Fund a restricted account known as the "Charter School Reserve Account."
- (3) The reserve account consists of:
 - (a) money credited to the account pursuant to Section 53G-5-607;
 - (b) money appropriated to the account by the Legislature;
 - (c) all income and interest derived from the deposit and investment of money in the account;
 - (d) federal grants; and
 - (e) private donations.
- (4) Money in the reserve account may be appropriated by the Legislature to:
 - (a) restore amounts on deposit in a debt service reserve fund of a qualifying charter school to the debt service reserve fund requirement;
 - (b) pay fees and expenses of the authority;
 - (c) pay the principal of and interest on bonds issued for a qualifying charter school; or
 - (d) otherwise provide financial assistance to a qualifying charter school.

Renumbered and Amended by Chapter 2, 2018 General Session

53F-9-304 Underage Drinking Prevention Program Restricted Account.

- (1) As used in this section, "account" means the Underage Drinking Prevention Program Restricted Account created in this section.
- (2) There is created within the Education Fund a restricted account known as the "Underage Drinking Prevention Program Restricted Account."
- (3)
 - (a) Before the Department of Alcoholic Beverage Control deposits any portion of the markup collected under Section 32B-2-304 into the Liquor Control Fund in accordance with Section 32B-2-301, the Department of Alcoholic Beverage Control shall deposit into the account:
 - (i) for the fiscal year that begins July 1, 2017, \$1,750,000; or
 - (ii) for each fiscal year that begins on or after July 1, 2018, an amount equal to the amount that the Department of Alcoholic Beverage Control deposited into the account during the preceding fiscal year increased or decreased by a percentage equal to the percentage difference between the Consumer Price Index for the second preceding calendar year and the Consumer Price Index for the preceding calendar year.
 - (b) For purposes of this Subsection (3), the Department of Alcoholic Beverage Control shall calculate the Consumer Price Index in accordance with 26 U.S.C. Secs. 1(f)(4) and 1(f)(5).
- (4) The account shall be funded:
 - (a) in accordance with Subsection (3);
 - (b) by appropriations made to the account by the Legislature; and
 - (c) by interest earned on money in the account.
- (5) The State Board of Education shall use money in the account for the Underage Drinking Prevention Program described in Section 53G-10-406.

Renumbered and Amended by Chapter 2, 2018 General Session

Amended by Chapter 249, 2018 General Session

Amended by Chapter 329, 2018 General Session

53F-9-305 Local Levy Growth Account.

- (1) As used in this section, "account" means the Local Levy Growth Account created in this section.
- (2) There is created within the Education Fund a restricted account known as the "Local Levy Growth Account."
- (3) The account shall be funded by:
 - (a) amounts deposited into the account in accordance with Section 53F-2-301 or 53F-2-301.5, as applicable; and
 - (b) other legislative appropriations.
- (4) The account shall earn interest.
- (5) Interest earned on the account shall be deposited into the account.
- (6) The Legislature shall appropriate money in the account to the State Board of Education.

Enacted by Chapter 456, 2018 General Session

53F-9-306 Teacher and Student Success Account.

- (1) As used in this section, "account" means the Teacher and Student Success Account created in this section.
- (2) There is created within the Education Fund a restricted account known as the "Teacher and Student Success Account."
- (3) The account shall be funded by:
 - (a) amounts deposited into the account in accordance with Section 53F-2-301 or 53F-2-301.5, as applicable; and
 - (b) other legislative appropriations.
- (4) The account shall earn interest.
- (5) Interest earned on the account shall be deposited into the account.
- (6) The Legislature shall appropriate money in the account to the State Board of Education.

Enacted by Chapter 456, 2018 General Session

Part 4 General Fund

53F-9-401 Autism Awareness Restricted Account.

- (1) There is created in the General Fund a restricted account known as the "Autism Awareness Restricted Account."
- (2) The account shall be funded by:
 - (a) contributions deposited into the account in accordance with Section 41-1a-422;
 - (b) private contributions; and
 - (c) donations or grants from public or private entities.
- (3) Upon appropriation by the Legislature, the superintendent shall:
 - (a)
 - (i) ensure the inventory of Autism Awareness Support special group license plate decals are in stock; and
 - (ii) transfer money to the Tax Commission to pay for the group license plate as needed;
 - (b) distribute funds in the account to one or more charitable organizations that:
 - (i) qualify as being tax exempt under Section 501(c)(3) of the Internal Revenue Code;

- (ii) has as the organization's sole mission to promote access to resources and responsible information for individuals of all ages who have, or are affected by, autism or autism spectrum related conditions;
 - (iii) is an independent organization that has representation from state agencies and private providers serving individuals with autism spectrum disorder and their families in the state;
 - (iv) includes representation of:
 - (A) national and local autism advocacy groups, as available; and
 - (B) interested parents and professionals; and
 - (v) does not endorse any specific treatment, therapy, or intervention used for autism.
- (4)
- (a) An organization described in Subsection (3) may apply to the superintendent to receive a distribution in accordance with Subsection (3).
 - (b) An organization that receives a distribution from the superintendent in accordance with Subsection (3) shall expend the distribution only to:
 - (i) pay for autism education and public awareness of programs and related services in the state;
 - (ii) enhance programs designed to serve individuals with autism;
 - (iii) provide support to caregivers providing services for individuals with autism;
 - (iv) pay administrative costs of the organization; and
 - (v) pay for academic scholarships and research efforts in the area of autism spectrum disorder.
 - (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules providing procedures for an organization to apply to the superintendent to receive a distribution under Subsection (3).

Renumbered and Amended by Chapter 2, 2018 General Session
Amended by Chapter 142, 2018 General Session

Part 5

Miscellaneous Revenue

53F-9-501 Hospitality and Tourism Management Education Account -- Uses -- Costs.

- (1) There is created an expendable special revenue fund known as the "Hospitality and Tourism Management Education Account," which the State Board of Education shall use to fund the Hospitality and Tourism Management Career and Technical Education Pilot Program created in Section 53E-3-515.
- (2) The account consists of:
 - (a) distributions to the account under Section 59-28-103;
 - (b) interest earned on the account;
 - (c) appropriations made by the Legislature; and
 - (d) private donations, grants, gifts, bequests, or money made available from any other source to implement Section 53E-3-507 or 53E-3-515.
- (3) The State Board of Education shall administer the account.
- (4) The cost of administering the account shall be paid from money in the account.
- (5) Interest accrued from investment of money in the account shall remain in the account.

Renumbered and Amended by Chapter 2, 2018 General Session

